

## HOUSE OF REPRESENTATIVES.

MONDAY, August 12, 1912.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father in heaven be merciful unto us, bear with our infirmities, forsake us not, but punish us when we do wrong and make our hearts rejoice with gladness when we do right, that the trend of our life may be ever upward and onward toward the goal of the perfected manhood, in Christ Jesus our Lord. Amen.

The Journal of the proceedings of Saturday, August 10, 1912, was read and approved.

## LEAVE OF ABSENCE.

By unanimous consent, Mr. BURNETT was granted leave of absence for the day on account of sickness.

## HANDBOOK OF AMERICAN INDIANS.

Mr. FINLEY. Mr. Speaker, I move to reconsider the vote whereby Senate concurrent resolution No. 2 was passed. There is an error in the amendment, which I wish to correct.

The SPEAKER. The gentleman from South Carolina moves to reconsider the vote whereby Senate resolution No. 2 was passed.

Mr. MANN. Without having the title of the resolution reported, to what does it relate?

Mr. FINLEY. It relates to the handbook of American Indians.

The question was taken, and the motion to reconsider was agreed to.

Mr. FINLEY. Now, Mr. Speaker, on line 2 of the printed resolution I move to strike out the word "three" and insert the word "six," so it will read "6,500 copies." That is necessary in order to make the number of copies authorized printed correspond with the number of copies authorized to be distributed.

Mr. MANN. It is to make the total correspond with the amendment for printing for the House on Saturday.

Mr. FINLEY. Yes.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, line 2 of the resolution, by striking out the word "three" and inserting the word "six," so it will read "six thousand five hundred."

The question was taken, and the amendment was agreed to. The resolution as amended was agreed to.

## IMMIGRATION COMMISSION.

Mr. FINLEY. Mr. Speaker, I move to reconsider the vote whereby Senate concurrent resolution No. 5 was agreed to on Saturday for the same reason.

The SPEAKER. The gentleman from South Carolina moves to reconsider the vote whereby Senate resolution No. 5 was agreed to.

The question was taken, and the motion was agreed to.

Mr. FINLEY. Mr. Speaker, in line 3, after the word "illustrations," I move to strike out the word "five" where it reads "five hundred" and insert the words "two thousand one," so it will read "two thousand one hundred." That is necessary in order to conform with the amendments adopted.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out, in line 3, the word "five" and insert in lieu thereof the words "two thousand one."

The question was taken, and the resolution was agreed to. The resolution as amended was agreed to.

## "THE ROAD HORSE."

Mr. FINLEY. Mr. Speaker, I call up the following privileged resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 682 (H. Rept. 1179).

Resolved, That there be printed as a House document 93,000 copies of a pamphlet entitled "The Road Horse," as edited and prepared by the Bureau of Animal Industry of the Department of Agriculture, with special application to the selection and management of the road horse used in the Rural Delivery Service, of which 50,000 copies shall be for the use of the House of Representatives and 43,000 copies for the use of the House document room.

Mr. FINLEY. Mr. Speaker, I ask that the report be read.

The Clerk read as follows:

Report to accompany House resolution 682.

The Committee on Printing, having had under consideration the House resolution (H. Res. 682) providing for the printing of 93,000 copies of the special report on "The Road Horse," as used in the Rural Delivery

Service, reports the same back to the House with the recommendation that the resolution be agreed to.  
The estimated cost will be \$500.

Mr. FOSTER. I would like to ask the gentleman from South Carolina if this provides for a distribution through the folding room or through the document room?

Mr. FINLEY. It provides both; 50,000 copies shall be for the use of the House of Representatives and 43,000 copies shall be for the use of the House document room.

Mr. FOSTER. I would suggest to the gentleman, does not the gentleman think these ought to be distributed through the folding room? This is a matter, I take it, of considerable importance, and we will have possibly a great many calls for a document of this kind.

Mr. FINLEY. I will answer the gentleman. I think if he will think for a moment he will conclude that it is not necessary to place them all in the folding room. The city Members have no use for them.

Mr. FOSTER. I think the gentleman is probably mistaken. I think Members are interested in the horse, probably not to as great an extent as people in the country, but still—

Mr. FINLEY. Well, they are more interested in automobiles.

Mr. MANN. Will the gentleman yield for a question?

Mr. FINLEY. Certainly.

Mr. MANN. A similar resolution on Saturday, if I remember correctly, provided for a certain number for the House and a certain number for the Post Office Department.

Mr. FINLEY. Yes.

Mr. MANN. Now, is it the intention in this case that these 43,000 printed for the House document room shall include part of them to be used by the Post Office Department?

Mr. FINLEY. Well, I can not answer that question definitely.

Mr. MANN. I have no objection to that.

Mr. FINLEY. Well, substantially I imagine that will be done.

Mr. MANN. And the 50,000 will go to the folding room to be distributed among the Members.

Mr. FINLEY. I will say this: Every rural carrier in my district will want to get one of them, and—

Mr. FOSTER. Would not the gentleman be willing to make it 75,000 to go into the folding room?

Mr. FINLEY. There are 42,000 rural carriers, and I think if the gentleman—

Mr. FOSTER. I understand that; but I think the Members will be called on for this document.

Mr. FINLEY. I will say to the gentleman that that matter has been carefully gone over by people who are interested in it. In fact I was requested earnestly by Government officials to secure this publication. The gentleman will be able to secure all the copies he wishes.

Mr. MANN. You can not increase the number of copies. They have reached the limit.

Mr. FOSTER. It seems to me we ought to have more of these through the folding room than the number that are going to the document room. There are pretty nearly as many going to the document room as will go to the folding room to the credit of Members. I know, so far as I am concerned, that I could use a good many more copies than my quota would be of this fifty thousand.

Mr. MANN. I will give the gentleman a portion of mine.

Mr. FOSTER. I thank the gentleman; that satisfies me.

Mr. FINLEY. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on agreeing to the House resolution.

The question was taken, and the House resolution was agreed to.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. BRANDEGEE, Mr. BRISTOW, and Mr. SIMMONS as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 6412. An act to regulate radio communication;

S. 67. An act for the relief of Capt. Joseph Herring, United States Army, retired; and

S. 998. An act for the relief of Henry C. Roetzel and Paul Chipman,

## ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 18017. An act to amend an act entitled "An act to regulate the liens of judgments and decrees of the courts of the United States."

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 6412. An act to regulate radio communication;

S. 4189. An act for the relief of the estate of Johanna S. Stoeckle;

S. 998. An act for the relief of Henry C. Roetzel and Paul Chipman;

S. 67. An act for the relief of Capt. Joseph Herring, United States Army, retired;

S. 6926. An act to convey to the Big Rock Stone & Construction Co. a portion of the military reservation of Fort Logan H. Roots, in the State of Arkansas;

S. 4568. An act granting an increase of pension to Annie R. Schley;

S. 4520. An act for the relief of Catherine Grimm;

S. 4007. An act for the relief of the J. Kennard & Sons Carpet Co.;

S. 1508. An act for the relief of the estate of Eliza B. Hause;

S. 4050. An act for the relief of Catherine Ratchford;

S. 4032. An act for the relief of C. Person's Sons;

S. 183. An act for the relief of G. A. Embry; and

S. J. Res. 126. Joint resolution authorizing Federal bureaus doing hygienic and demographic work to participate in the exhibition to be held in connection with the Fifteenth International Congress on Hygiene and Demography.

## ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 25073. An act to authorize the Moline-Bettendorf Bridge Co. to construct a bridge across the Mississippi River between Moline, Ill., and Bettendorf, Iowa; and

H. R. 18017. An act to amend an act entitled "An act to regulate the liens of judgments and decrees of the courts of the United States."

## CONTESTED ELECTION CASE—GILL AGAINST CATLIN.

Mr. HAMILL. Mr. Speaker, I desire to call up the following privileged resolution from the Committee on Elections No. 2, and send it to the Clerk's desk to be read.

The SPEAKER. The gentleman from New Jersey [Mr. HAMILL] calls up a privileged resolution from the Committee on Elections No. 2, which the Clerk will report.

The Clerk read as follows:

## House resolution 666.

*Resolved*, That Theron E. Catlin was not elected a Representative from the eleventh district of Missouri in the Sixty-second Congress.

*Resolved*, That Patrick F. Gill was duly elected a Representative from the eleventh district of Missouri to the Sixty-second Congress, and is entitled to the seat therein.

Mr. MANN. Mr. Speaker, I raise the question of consideration on the resolution.

The SPEAKER. The gentleman from Illinois [Mr. MANN] raises a question of consideration. Those in favor of considering this resolution will say "aye"; those opposed, "no."

The question was taken, and the Speaker announced that the "ayes" seemed to have it.

Mr. MANN. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. The gentleman from Illinois [Mr. MANN] makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and thirty-two gentlemen are present—not a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move a call of the House.

Mr. MANN. That is not necessary.

Mr. UNDERWOOD. The gentleman is correct.

The SPEAKER. It is an automatic call. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. When the roll is called those in favor of considering this resolution at this time will answer "yea"; those opposed will answer "nay." It is the case of Gill against Catlin.

The question was taken; and there were—yeas 137, nays 42, answered "present" 23, not voting 188, as follows:

## YEAS—137.

Adair	Doughton	James	Rothermel
Aiken, S. C.	Estopinal	Johnson, Ky.	Rucker, Colo.
Akin, N. Y.	Evans	Kitchin	Russell
Alexander	Faison	Konig	Sabath
Allen	Fergusson	Korbly	Saunders
Ansberry	Ferris	Lee, Pa.	Sharp
Ashbrook	Fitzgerald	Lever	Sims
Bathrick	Flood, Va.	Levy	Sisson
Beall, Tex.	Floyd, Ark.	Lewis	Smith, N. Y.
Blackmon	Gallagher	Lindbergh	Smith, Tex.
Booher	Garrett	Linthicum	Stanley
Borland	George	Littlepage	Stedman
Buchanan	Godwin, N. C.	Lloyd	Stephens, Nebr.
Bulkley	Goeke	Lobeck	Stephens, Tex.
Burke, Wis.	Goodwin, Ark.	McCoy	Stone
Burleson	Graham	McDermott	Sulzer
Byrns, Tenn.	Gray	McKellar	Sweet
Candler	Gregg, Pa.	Maguire, Nebr.	Taggart
Carlin	Gregg, Tex.	Martin, Colo.	Talcott, N. Y.
Carter	Hamill	Moon, Tenn.	Thayer
Claypool	Hamilton, W. Va.	Morrison	Townsend
Clayton	Hamlin	Moss, Ind.	Tribble
Cline	Hammond	Neeley	Turnbull
Connell	Hardy	Oldfield	Tuttle
Covington	Hayden	O'Shaunessy	Underhill
Cullop	Heflin	Padgett	Underwood
Curley	Helm	Page	Watkins
Davenport	Henry, Tex.	Pou	Webb
Davis, W. Va.	Hensley	Rainey	Whitacre
Dent	Holland	Raker	Wilson, Pa.
Denver	Howard	Ransdell, La.	Witherspoon
Dickinson	Hughes, N. J.	Rauch	The Speaker.
Dixon, Ind.	Hull	Reilly	
Donohoe	Jackson	Robinson	
Doremus	Jacoway	Roddenberry	

## NAYS—42.

Ainey	French	La Follette	Sterling
Anderson, Minn.	Gardner, Mass.	Longworth	Switzer
Austin	Green, Iowa	McLaughlin	Utter
Bartholdt	Greene, Mass.	Mann	Volstead
Burke, Pa.	Harris	Miller	Warburton
Cooper	Helgesen	Morgan	Wedemeyer
Crumpacker	Howell	Morse, Wis.	Willis
Dodds	Humphrey, Wash.	Olmsted	Wood, N. J.
Driscoll, M. E.	Kendall	Payne	Young, Kans.
Farr	Kennedy	Rees	
Foss	Kinkaid, Nebr.	Smith, J. M. C.	

## ANSWERED "PRESENT"—23.

Adamson	Dwight	Hay	Slayden
Anthony	Finley	Humphreys, Miss.	Sparkman
Broussard	Fornes	Johnson, S. C.	Steenerson
Campbell	Foster	LaFerty	Talbott, Md.
Danforth	Glass	Lee, Ga.	Thomas
Davis, Minn.	Haugen	McCall	

## NOT VOTING—188.

Ames	Dyer	Lamb	Prouty
Anderson, Ohio	Edwards	Langham	Pujo
Andrus	Ellerbe	Langley	Randall, Tex.
Ayres	Esch	Lawrence	Redfield
Barchfeld	Fairchild	Legare	Reyburn
Barnhart	Fields	Lenroot	Richardson
Bartlett	Focht	Lindsay	Riordan
Bates	Fordney	Littleton	Roberts, Mass.
Bell, Ga.	Fowler	Loud	Roberts, Nev.
Berger	Francis	McCreary	Rodenberg
Boehne	Fuller	McGillicuddy	Rouse
Bowman	Gardner, N. J.	McGuire, Okla.	Rubey
Bradley	Garner	McHenry	Rucker, Mo.
Brantley	Gillett	McKenzie	Scully
Brown	Goldfogle	McKinley	Sells
Browning	Good	McKinney	Shackleford
Burgess	Gould	McMorran	Sheppard
Burke, S. Dak.	Griest	Macon	Sherley
Burnett	Gudger	Madden	Sherwood
Butler	Guernsey	Maher	Simmons
Byrnes, S. C.	Hamilton, Mich.	Martin, S. Dak.	Slomp
Calder	Hanna	Matthews	Sloan
Callaway	Hardwick	Mays	Small
Cannon	Harrison, Miss.	Mondell	Smith, Saml. W.
Cantrill	Harrison, N. Y.	Moon, Pa.	Smith, Cal.
Cary	Hartman	Moore, Pa.	Speer
Catlin	Hawley	Moore, Tex.	Stack
Clark, Fla.	Hayes	Mott	Stephens, Cal.
Collier	Heald	Murdock	Stephens, Miss.
Conry	Henry, Conn.	Murray	Stevens, Minn.
Copley	Higgins	Needham	Sulloway
Cox, Ind.	Hill	Nelson	Taylor, Ala.
Cox, Ohio	Hinds	Norris	Taylor, Colo.
Crago	Hobson	Nye	Taylor, Ohio
Cravens	Houston	Palmer	Thistlewood
Currier	Howland	Parran	Tilson
Curry	Hughes, Ga.	Patten, N. Y.	Towner
Dalzell	Hughes, W. Va.	Patton, Pa.	Vare
Daugherty	Jones	Pepper	Vreeland
Davidson	Kahn	Peters	Weeks
De Forest	Kent	Pickett	White
Dickson, Miss.	Kindred	Plumley	Wilder
Dies	Kinhead, N. J.	Porter	Wilson, Ill.
Diffenderfer	Knowland	Post	Wilson, N. Y.
Draper	Konop	Powers	Woods, Iowa
Driscoll, D. A.	Kopp	Pray	Young, Mich.
Dupré	Lafean	Prince	Young, Tex.

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he voted "aye."



So the House determined to consider the case.

Mr. ADAMSON. Mr. Speaker, has the gentleman from Minnesota, Mr. STEVENS, voted?

The SPEAKER. He is not recorded.

Mr. ADAMSON. As I am paired with that gentleman, and as he was inadvertently, urgently, and unexpectedly called out of the House, I withdraw my affirmative vote and answer "present."

Mr. McCALL. I am paired with my colleague, Mr. PETERS, and I vote "present."

The SPEAKER. On this vote the yeas are 137, the nays 42, and 23 have answered "present," which makes a quorum. The Chair orders the Clerk to enroll the names of Messrs. CATLIN, CAMPBELL, ANTHONY, and LAFFERTY, who were in the Hall and did not vote, which makes a total of 202 Members present. The motion to consider this case is carried.

Mr. MANN. With reference to noting the presence of the gentleman from Missouri, Mr. CATLIN, I suggested to him that he should not vote, not even "present," as it was a matter involving himself personally, and I doubt whether a quorum which would require his presence to make it would be sufficient.

The SPEAKER. The Chair orders the Clerk to strike off the name of Mr. CATLIN, because he being the contestee, of course it puts him in a very awkward predicament, and the Chair does not wish to do him an injustice. The Doorkeeper will open the doors. Further proceedings under the call are dispensed with.

The Clerk announced the following pairs:

For the session:

Mr. SLAYDEN with Mr. TILSON.

Mr. FOSTER with Mr. KOPP.

Mr. ROUSE with Mr. HAYES.

Mr. MCGILLICUDDY with Mr. GUERNSEY.

Mr. SHEPPARD with Mr. BATES.

Mr. BURGESS with Mr. WEEKS.

Mr. COLLIER with Mr. WOODS of Iowa. (Transferable on request of either party.)

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. FINLEY with Mr. CURRIER.

Mr. RIORDAN with Mr. ANDRUS.

Mr. GLASS with Mr. SLEMP.

Mr. FORTNE with Mr. BRADLEY.

Mr. BARTLETT with Mr. BUTLER.

Mr. HOBSON with Mr. FAIRCHILD.

From Saturday for the balance of the session:

Mr. BROUSSARD with Mr. YOUNG of Michigan.

From Thursday for the balance of the session:

Mr. BELL of Georgia with Mr. LANGHAM.

Until further notice:

Mr. JOHNSON of South Carolina with Mr. GILLETT.

Mr. MACON with Mr. WILSON of Illinois.

Mr. LINDSAY with Mr. SAMUEL W. SMITH.

Mr. MCHENRY with Mr. VARE.

Mr. YOUNG of Texas with Mr. TOWNER.

Mr. WILSON of New York with Mr. TAYLOR of Ohio.

Mr. WHITE with Mr. SULLOWAY.

Mr. STEPHENS of Mississippi with Mr. STEPHENS of California.

Mr. STACK with Mr. ROBERTS of Massachusetts.

Mr. SMALL with Mr. ROSENBERG.

Mr. SHERWOOD with Mr. ROBERTS of Nevada.

Mr. RICHARDSON with Mr. PRINCE.

Mr. POST with Mr. PRAY.

Mr. PEPPER with Mr. POWERS.

Mr. PATTEN of New York with Mr. PORTER.

Mr. MURRAY with Mr. PLUMLEY.

Mr. MOORE of Texas with Mr. PICKETT.

Mr. MAHER with Mr. PATTON of Pennsylvania.

Mr. LAMB with Mr. MOORE of Pennsylvania.

Mr. KONOP with Mr. MONDELL.

Mr. KINDRED with Mr. MCKINNEY.

Mr. HARRISON of New York with Mr. MCKINLEY.

Mr. HARRISON of Mississippi with Mr. MCCREARY.

Mr. FRANCIS with Mr. LAFFAN.

Mr. FOWLER with Mr. KNOWLAND.

Mr. ELLERBE with Mr. KAHN.

Mr. DUPRE with Mr. HOWLAND.

Mr. DANIEL A. DRISCOLL with Mr. HENRY of Connecticut.

Mr. DEFENDERFER with Mr. HEALD.

Mr. DICKSON of Mississippi with Mr. GRIEST.

Mr. DAUGHERTY with Mr. FORNEY.

Mr. CRAVENS with Mr. FOCHT.

Mr. COX of Indiana with Mr. DANFORTH.

Mr. CONRY with Mr. COPLEY.

Mr. CALLAWAY with Mr. CANNON.

Mr. BROWN with Mr. BURKE of South Dakota.

Mr. BRANTLEY with Mr. BOWMAN.

Mr. AYRES with Mr. BARCHFELD.

Mr. LEGARE with Mr. LOUD.

Mr. HARDWICK with Mr. CAMPBELL.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. FIELDS with Mr. LANGLEY.

Mr. RUCKER of Missouri with Mr. DYER.

Mr. RANDELL of Texas with Mr. SMITH of California.

Mr. EDWARDS with Mr. DALZIEL.

Mr. MAYS with Mr. THISTLEWOOD.

Mr. LITTLETON with Mr. DWIGHT.

Mr. COX of Ohio with Mr. ANTHONY.

Mr. RUBEY with Mr. HAWLEY.

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. PETERS with Mr. McCALL.

Mr. KINKEAD of New Jersey with Mr. NYE.

Mr. SHERLEY with Mr. HAUGEN.

Mr. HUGHES of Georgia with Mr. MATTHEWS.

Mr. BOEHNE with Mr. FULLER.

Mr. ANDERSON of Ohio with Mr. SIMMONS.

Mr. TAYLOR of Colorado with Mr. AMES.

Mr. DIES with Mr. HIGGINS.

Mr. JONES with Mr. DE FOREST.

Mr. LEE of Georgia with Mr. MOTT.

Mr. TAYLOR of Alabama with Mr. HARTMAN.

Mr. REDFIELD with Mr. SPEER.

Mr. PALMER with Mr. HILL (with mutual privilege of transfer).

Mr. HOUSTON with Mr. MOON of Pennsylvania.

Mr. GARNER with Mr. HINDS.

Mr. CLARK of Florida with Mr. HAMILTON of Michigan.

Mr. SCULLY with Mr. BROWNING.

Mr. GUDGER with Mr. HUGHES of West Virginia.

Mr. PUJO with Mr. McMORRAN.

For this day:

Mr. BURNETT with Mr. DRAPER.

On this vote:

Mr. HUMPHREYS of Mississippi with Mr. LAWRENCE.

Until August 28:

Mr. BYRNES of South Carolina with Mr. MADDEN.

From August 10 until August 13 noon:

Mr. THOMAS with Mr. GARDNER of New Jersey.

From August 9 until August 13 noon:

Mr. GOLDFOGLE with Mr. CALDER.

The SPEAKER. The gentleman from New Jersey [Mr. HAMILL] is recognized.

Mr. HAMILL. Mr. Speaker, I want to know if I can secure an agreement with the gentleman from Minnesota [Mr. ANDERSON] about the time to be consumed in this discussion?

Mr. ANDERSON of Minnesota. How much time does the gentleman suggest?

Mr. HAMILL. How much time does the gentleman on the other side suggest?

Mr. ANDERSON of Minnesota. I think we shall need at least four hours on this side.

Mr. HAMILL. That, of course, is absolutely unreasonable. The whole case could be very well discussed in three hours, giving an hour and a half on each side. However, we do not want to be rigorous in our insistence, and we are perfectly willing to allow more time than that if the gentlemen want it.

Mr. ANDERSON of Minnesota. I suggest that this is an important matter, not only from the viewpoint of those who are particularly interested, but from the viewpoint of the country, and I do not think debate ought to be cut off, particularly in view of the fact that the majority report contains absolutely nothing with reference to the facts in the case.

Mr. HAMILL. Of course the gentleman will bear in mind that it might reasonably be taken as a reflection on the desire of gentlemen on the other side to prolong this case, because they were instrumental or seemed to be instrumental in breaking a quorum, and thus consuming about an hour's time that could well have been given to discussion.

Mr. MANN. The gentleman's party has sixty-odd majority in the House, and it is up to his side to have a quorum.

Mr. HAMILL. That is all very well; but if gentlemen take the high and patriotic stand that the gentleman has suggested, of service and importance to the country, I think the gentlemen on that side ought to vindicate their assertions.

Mr. MANN. We think we are serving the country.

Mr. UNDERWOOD. Mr. Speaker, I want to suggest to the gentleman from Minnesota that we wish to vote to-day, and if we can agree on five hours of general debate, three hours on that side and two on this, I think that would be a reasonable time.

Mr. MANN. I think that the gentleman from Minnesota had better agree to that proposition—three hours on this side and two hours on the other side.

Mr. ANDERSON of Minnesota. I shall not object to that.

Mr. HAMILL. Then, Mr. Speaker, I ask unanimous consent that the debate shall continue for five hours, three hours to be controlled by the gentleman from Minnesota [Mr. ANDERSON] and two hours by myself; that at the expiration of that time all discussion shall cease, the previous question shall be considered as ordered, and the vote taken on the resolution.

Mr. MANN. We may want to offer a substitute.

Mr. HAMILL. And we will agree to that.

Mr. MANN. With the understanding that the minority has the right to offer a substitute.

The SPEAKER. The gentleman from New Jersey asks unanimous consent that debate on this resolution shall close at the end of five hours, three hours to be controlled by the gentleman from Minnesota [Mr. ANDERSON] and two hours by himself, at the end of which time the minority shall have the right to offer a substitute, and that the previous question shall be considered as ordered on the resolution and substitute, and the vote immediately taken.

Mr. MANN. As I understand the request, Mr. Speaker, it is that there shall be three hours of debate on this side, controlled by the gentleman from Minnesota, and two hours on that side, so that interruptions will not come out of the time.

The SPEAKER. That is correct.

Mr. RAKER. Mr. Speaker, reserving the right to object, I want to ask the gentleman from New Jersey whether or not the two resolutions are not to be voted on separately. In other words, the resolution declaring the election of Mr. Catlin illegal, and the one declaring that Mr. Gill was legally elected?

Mr. MANN. There will be a separate vote demanded.

The SPEAKER. The rule of the House is that where there are two substantive propositions and they can be separated without the mutilation of one, a separate vote will be granted. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HAMILL. Mr. Speaker, this resolution refers to the contested-election case now pending of Patrick F. Gill against Theron E. Catlin. The resolution embodies two distinct propositions. The first is that Mr. Catlin, the contestee, be declared not entitled to a seat in the Sixty-second Congress as a Member from the eleventh congressional district of Missouri. The second proposition is that Mr. Gill, the contestant, be declared entitled to a seat in this Congress from the district I have mentioned for the reason of his having been legally elected thereto. In presenting this case to the attention of the House the committee need hardly mention the fact that they are not actuated by reasons which are in any way personal. It is not of the slightest interest to the committee, as such, whether Theron E. Catlin or Patrick F. Gill shall occupy the seat in this Congress from the eleventh congressional district of Missouri. Moreover, the members of the committee feel that the House will readily appreciate the highly disagreeable duty the making of this report has imposed upon them.

But the character of this House must be kept free from corruption and Members must come here as the honest choice of their constituencies rather than as the beneficiaries of crooked election methods if this, the popular branch of Congress, is to retain the confidence of the people and preserve its usefulness to the country. In the opinion of the committee the present case reveals a situation where evident justice demands the adoption of the resolution offered. We propose to-day to lay before you the facts on which our opinion is based, and having thus discharged our duty in the premises submit the entire matter to the judgment of this House.

Mr. Speaker, on the 8th day of November, 1910, an election was held in the city of St. Louis, at which, among other officers, were elected Members of the House of Representatives. The eleventh congressional district comprises a part of the city of St. Louis, and in this district Mr. Catlin was the Republican nominee for Member of Congress, for which office he was opposed on the Democratic ticket by Mr. Gill. On the face of the returns Mr. Catlin appeared to be elected by a total vote of 20,089. This result was subsequently corrected by a recount, making his total vote 19,937. The total vote returned for Gill was 18,612, thus giving Catlin an ostensible majority of 1,325.

Now, the action of the committee in reporting to the House that contestee should be deprived of his seat is based upon two main grounds. The first ground is that the contestee Catlin expended more money than is allowed by the statutes of Missouri; in other words, that he violated the corrupt-practices act of the State of Missouri. He did this not personally, but through the agency of another, for whose acts he is responsible, because the agent acted with the knowledge and with the connivance and by the direction of the contestee.

The second ground is that, admitting for the sake of argument what we do not consider to be true—that there was no connivance on the part of Catlin in the violation of the corrupt-practices act—nevertheless a proper recount of the ballots cast in the eleventh congressional district of Missouri, eliminating in accordance with a precedent laid down in this House those parts of the territory comprised within the eleventh district, where the vote was so permeated with fraud as to make it impossible to say for which candidate the ballots had been cast—I say, eliminating those parts of the district affected in the manner I have mentioned under the authority of the precedent referred to which was laid down by the party of which the contestee is a member, the committee find a clear majority in favor of the contestant. So that, therefore, on the second ground the contestant is entitled to his seat and the contestee loses his seat, simply because the contestant received the majority of votes; that is to say, the contestant receives the majority of votes legally cast and properly counted.

We propose to consider these two grounds for action in the order in which I have stated them.

In the first place, let us consider the violation of the corrupt-practices act of Missouri, to which violation the committee has determined the contestee was a party, and for the consequences of which he should be held responsible.

Section 6046 of the Revised Statutes of Missouri, 1909, contains the following:

No candidate for Congress or for any public office in this State, or in any county, district, or municipality thereof, which office is to be filled by proper election, shall, by himself or by or through any agent or agents, committee, or organization, or any person or persons whatsoever, in the aggregate pay out or expend, or promise or agree or offer to pay, contribute, or expend, any money or other valuable thing in order to secure or aid in securing his nomination or election or the nomination or election of any other person or persons, or both such nomination and election, to any office to be voted for at the same election, or in aid of any party or measure, in excess of a sum to be determined upon the following basis, namely: For 5,000 voters or less, \$100; for each 100 voters over 5,000 and under 25,000, \$2; for each 100 voters over 25,000 and under 50,000, \$1; and for each 100 voters over 50,000, 50 cents, the number of voters to be ascertained by the total number of votes cast for all the candidates for such office at the last preceding regular election held to fill the same; and any payment, contribution, or expenditure, or promise or agreement or offer to pay, contribute, or expend any money or valuable thing in excess of said sum, for such objects or purposes, is hereby declared unlawful.

The amount which a candidate can expend in Missouri in a contest for Congress is proportioned upon the number of votes cast at the preceding general election for the same office, and in this case it is practically agreed upon by both sides that the amount which legally could be expended by the contestant or the contestee, respectively, was \$662. There is a further section of the statute of Missouri which provides that whenever the party who runs second in the contest considers he was unjustly deprived of the office for which he contended he may apply to the attorney general, and on his relation the attorney general begins a proceeding to oust the person who obtains the seat—that is to say, the person to whom the certificate of election has been issued upon the face of the returns. After that is done another section declares that the seat which is thus vacated goes to the candidate having the second highest number of votes, provided no charge is made against him that he has been guilty of an infringement of any statutes which would make him ineligible to take the office. In other words, if the person holding the seat has been elected unfairly and the next highest person has been without question fair in the conduct of his election, then that person receiving the next highest number of votes is given the seat by virtue of the proper proceeding. Those are the statutes of the State of Missouri governing the situation.

Mr. SWITZER. Mr. Speaker, will the gentleman yield?

Mr. HAMILL. Mr. Speaker, I am willing to yield to the gentleman, but I would like to say that at this time my purpose is to make a very full opening of the case to the House. However, I yield to the gentleman.

Mr. SWITZER. Mr. Speaker, does the gentleman contend the statutes of Missouri automatically give the seat to the contestant?

Mr. HAMILL. I say that under the statutes of Missouri he is entitled to the seat in the circumstances I relate by means of a legal proceeding.

Mr. SWITZER. Is not the gentleman aware that that part of the statute has been held to be unconstitutional by the highest court of Missouri?

Mr. HAMILL. If it were declared to be unconstitutional that fact need not necessarily have any bearing upon the right of this House to follow it in the seating of a Member. The principle involved is that the statute marked out a way which was acceptable to the people of Missouri; that the contestant accepted the provisions and the obligations of the statute,



whereas the contestee violated them, and that we, in justice, ought to follow the principle laid down in the statutes. Besides, I wish to say that except in the case of appointments by the governor I am not aware that this statute has been declared to be unconstitutional.

Mr. DICKINSON. Mr. Speaker, may I interrupt the gentleman to call attention to the decision of the supreme court? The language of the court is:

The provision for awarding office to unsuccessful candidates is unconstitutional as to offices in which the governor alone has power to fill vacancies.

That is the reason, because it takes away from the governor the right to fill the vacancy; but that would not apply to a Congressman, where the governor can not fill the vacancy.

Mr. HAMILL. I am familiar with the case which the gentleman cites, and if it is to that case the gentleman from Ohio refers, which applies only where the governor is deprived of his right under the Constitution, then I deny his statements that the Supreme Court of Missouri has declared this section to be unconstitutional.

These sections of the Missouri statutes form, as I have said, the first basis on which the committee believes the House should declare vacant the seat of the contestee. We do not say that the contestee openly violated the provisions of the corrupt-practices act. In the statement which he filed showing his expenses in the election he keeps within the \$662 limit; but the money was expended by another, for whose conduct the contestee is responsible, of whose acts the contestee had undeniable knowledge, and of which he was fully cognizant. Daniel Kirby is a lawyer of high repute for ability in the city of St. Louis. He is, so I understand, the friend of the father of Theron Catlin. This Daniel Kirby received from the father and the brother of contestee a sum in excess of \$10,000, amounting to about \$10,200, all of which came from the father and the brother of the contestee, with the exception of \$250 contributed by one Chester Kern, who is described as a friend of Theron Catlin. Now, if Daniel Kirby and the elder Catlin, together with the brother of the contestee, Daniel K. Catlin, with or without this man Kern, had formed themselves into a committee under the laws of the State of Missouri and expended this money openly, and if after doing so they had filed a statement showing exactly what they had done with the money, we do not concede that there would be any right for the contestant to attack the seat of the contestee merely upon the ground of the violation of the corrupt-practices act. But the evidence shows to us that they did not expend it openly; they did not make reports as required by the statutes of Missouri.

They refused to do so because they wanted to expend this money for purposes such as would not bear the light of day, to put it into channels the decency and the legality of which they could not acknowledge. They knew that if the contestee had knowledge of what they were doing he then would be responsible for the violation of the corrupt-practice act, and so they devised a most ingenious scheme. They expended this money, and then when brought to book for the violation of the statute came in brazen-facedly and said they, indeed, had expended it, but that the contestee had not the slightest notice, had not the scintilla of knowledge that they were expending any money in his behalf; and besides that, Mr. Kirby did not believe this act applied to congressional candidates. Gentlemen of the House, remember that in running through this record we have taken our conclusions from the circumstances as proved. I do not want you to believe for a moment that either Daniel Kirby, astute counselor at law, adept in finding ways and means to violate the statute that preserves the purity of elections in Missouri; I do not want you to believe that the contestee, Theron Catlin, Harvard graduate, attorney at law, experienced in politics by reason of service on political committees and membership in the State legislature—that either of these men openly admit the contestee had knowledge of the vast expenditures that were being made. Oh, no; but crime will out. It will inevitably reveal itself, and the very shifts and devices to which the contestee and his agents resorted to raise the appearance of innocence on his part merely entrap him and show more clearly that he was undoubtedly cognizant of what was going on.

Theron Catlin, they tell us, was in complete ignorance of these expenditures. And this claim is adhered to in spite of the fact that there was common gossip around St. Louis that Catlin money was being expended; that Catlin money was easy, and that it could be procured by anyone who would represent himself as being able to do anything in the interest of the candidate. The candidate's father knew it, his brother knew it, his sister knew it, and everybody in St. Louis knew it—every-

body knew of it except this piece of angelic mold, this helpless innocent, who could not perceive the obvious, and who was unable to see the money expended when it was being poured out lavishly before his open eyes.

Now, do not let me be understood as reflecting upon the mental caliber of the gentleman from Missouri whose seat it is my painful duty to appeal to the House to vacate. I am not making these charges of my own accord. I am merely endeavoring to show to this House the attitude in which his friends try to place him to enable him to evade this statute. Instead of placing him on the plane upon which I believe he belongs, that of an intelligent, capable, discerning man, they, in vainly attempting to show his innocence, reduce him to the level of a sickening simpleton who could not understand what was plainly apparent to anybody of ordinary perception and observation. It is because I do not believe he possesses the kind of mentality his friends ascribe to him, or that he is such a man, that I am convinced he did know that these funds were being expended in his behalf. Now, let us, in the first place, raise a very natural query regarding this matter of the expenditure of the money. Gentlemen, what honest reason could the father and the brother of Theron Catlin and this man Kirby have for concealing from the candidate the fact that they were going to expend \$10,000 in his behalf? If they had formed themselves into a political committee, they could have done it openly and above board. They could have expended the money, filed their statement, and no man could take issue with them for doing so. No man, in fact, could inquire why they valued a congressional seat so highly that they were willing to expend so great an amount of money in order to capture it. But it is because they wanted to make a secret fund, that could be spent in ways that would not bear the light, that they refused to associate themselves into a committee, and it was because they knew what the consequences would be of knowledge and connivance on the part of the contestee that they pretended the contestee was ignorant of the whole proceeding. Their plea practically is: "Well, we admit we may have done wrong and may have violated the statute, but as to this candidate, do not touch him, because he knew nothing about our actions in violating the corrupt-practices act of the State of Missouri." Now, gentlemen, that plea on their part will not hold water, as the facts of the record will show plainly and convincingly.

Consider some facts in this case. Around the headquarters of the candidate in St. Louis there was maintained, at great expense, an electrically illuminated sign, bearing a portrait of the candidate, surrounded by incandescent lights, and kept up during the whole time of the campaign. It must have occurred to the contestee to ask where the money came from that paid for it. Then the contestee went carefully through the different wards of the city. He visited saloons and places where refreshments are sold—among other resorts places called "lid clubs," and other places of entertainment. He invited those present to partake of refreshments, and introduced himself to them and looked for their support as a candidate for Congress. In the first place, he went to these resorts with men whose known means were small and who were well recognized as men who could not bear the expense of treating; in fact—

Mr. ANDERSON of Minnesota. Will the gentleman yield at that point?

Mr. HAMILL. I will not yield at this point. Then significantly enough whenever a time came to pay for the drinks or refreshments suddenly the contestee vanished and got out into the automobile and there waited until his guardian and guide came out afterwards, took his place beside him, when they whirled away to another place to go through the same performance. At another time the contestee was present when the very judges and clerks of election of the third ward of St. Louis were bribed. I say bribed in this case, and in my judgment it does amount to bribery. A man by the name of Reichman, the treasurer of the contestee's election committee, in the presence of the contestee offered prizes—

Mr. ANDERSON of Minnesota. Did the gentleman read the evidence on that?

Mr. HAMILL. I have read the evidence as the gentleman will find if he consults the RECORD. As I was saying, offered prizes of \$15, of \$10, and of \$5, first, second, and third prizes, respectively, for the judges and clerks who would return the highest number of votes in favor of Catlin. In the evidence one witness had such a sense of humor that he said they must have been only "joshing," and that he considered it all as a joke, but considering the circumstances and the amount of money placed at the disposal of the contestee's backers, I ask you gentlemen, do you consider it was a joke or a serious offer?

Mr. ANDERSON of Minnesota. Will the gentleman yield at that point?

Mr. HAMILL. Not until I finish my presentation of these incidents. The contestee was present when an attempt was made to bribe a Democratic worker of the name of Tom Leonard, and seduce him from his allegiance to Gill in favor of Catlin. An offer was made to him in the presence of the contestee to give him \$400 of Catlin money if he would work in favor of Catlin. Then on another occasion the contestee went through the district with a man of the name of Hank Weeke, if I recall the name correctly, and this man spent at certain places something like \$40, treating people with refreshments, and the contestee reimbursed him for this expenditure on that day. It is true in the evidence the contestee said in one place he thought his congressional committee was expending the money, but if that is so, why did not he turn to the man who spent the \$40 and direct him to the congressional committee for reimbursement rather than pay it personally. On another occasion he reimbursed, in the sum of \$25, another man who had expended it for refreshments in his behalf.

And now, gentlemen, let me draw your attention to a singular and prominent instance which shows the studied purpose on the part of the contestee to put himself physically in such a position that it would be difficult to get the evidence on him, of the expenditure of money and of his connivance in the matter.

A dinner was held at the residence of the father of the contestee. The different workers of the party were invited to it. Mr. Kirby was present at the dinner. The contestee sat down to the dinner with the company, as was highly proper. They partook of the dinner. In the first place, let me impress upon you the fact that they came there in order to discuss the candidacy of Theron E. Catlin, to determine ways and means of carrying Catlin to success. They were his backers, and they were there for mutual consultation as to how best they could serve him.

After the dinner was over some one said, "Now, let us get down to business." Immediately on the remark being made the contestee rises as if shot, runs away from the table, and waits until the business is transacted. Think of it. Here is a man sitting at a conference, in the issue of which he is most vitally and particularly concerned, a conference called for his especial benefit, and when some one says, "Let us get down to business" he rises immediately and gets away until his own business is transacted, and then comes back to the company, meeting them in the hall after the discussion of his affairs was over.

The conference lasted 15 minutes or thereabouts; not more than 20 minutes; and Mr. Kirby naively said that they considered how much work and how many workers they needed in order to properly canvass the district in the interest of Catlin. In other words, you may reasonably presume that Mr. Kirby distributed at that time, when the contestee was designedly absent, the quid pro quo, the inspiration that would cause these workers to properly canvass the district in the interest of the contestee.

Then, was not this man Kirby the agent of the contestee? He said in his evidence that he had always stated he wanted to represent the father of the contestee and the brother of the contestee, and that under no circumstances would he be considered as representing Theron E. Catlin. But in the course of his conversation with some Catlin workers he made this remark, or some statement like this: "Gentlemen, I do not want you to do anything wrong in this campaign, because the contestee would rather be defeated than that anything wrong should be done to further his prospects of election."

Out of that little piece of evidence—and we can not get it any more explicitly from a man of such a high degree of astuteness—and taking into consideration the other facts that are proven, can we not reasonably come to the conclusion that this man, the contestee, knew that the money was being expended by Kirby in his behalf, that Kirby was his agent in making the expenditures, and that therefore Catlin is responsible for the acts of Kirby?

Let me read you this:

It is fundamental—

This is a quotation of law—

It is fundamental that one may, by affirmative acts and even by silence, ratify the acts of another who has assumed to act as his agent.

That is taken from Clark & Stiles on the Law of Agency, volume 1, page 264. It is further laid down that—

Although as a general rule a principal must have full knowledge of all the facts, yet the principal can not purposely remain ignorant where the means of information is within his control, so as to escape the effect of his acts that would otherwise amount to a ratification. (Clark & Stiles on the Law of Agency, vol 1, p. 339.)

And this man did not actually remain ignorant, nor could he possibly be ignorant of what was going on, although he tried

to put himself in situations which might lend color to his statement that he was ignorant of the fact that money was being expended by Kirby in his behalf. The idea, which seemed to agitate the minds of this precious coterie, who were employed in the interest of Catlin, was this: You can violate every statute set up by the people to keep their elections free from corruption; you can walk into Congress in defiance of every rule of decency; you can perpetrate the most flagrant fraud and bribery; and then you can delude the House of Representatives notwithstanding their right to be the judge of the qualifications and the election of their own Members, provided you only employ a lawyer who has the requisite ability, acuteness, and disposition for the work demanded.

Now, gentlemen, let us consider the second basis on which we believe the contestee is not entitled to his seat, and that is, as you will probably recall, because there was fraud and corruption to a great extent in certain portions of this district; that the fraud and corruption so honeycombed and permeated two of the wards of the district that the committee was compelled to eliminate these two wards in calculating what number of votes should be given for either of the two parties.

We took this action under authority of a rule laid down in this House in the case of Wagner v. Butler. Butler was a Democrat, who was elected from a district in Missouri adjoining, I understand, the very same district in which this contest arose. There was fraud alleged in the conduct of the election and on this ground his Republican opponent, Wagner, contested his seat.

The committee found fraud in certain precincts, and, as they said, being unable to determine just what votes were fraudulent and what were honest, they eliminated these certain precincts from the calculation and gave the seat to Mr. Wagner.

Mr. ANDERSON of Minnesota. Mr. Speaker, will the gentleman yield there?

Mr. HAMILL. Yes; I yield.

Mr. ANDERSON of Minnesota. The gentleman, of course, remembers that in the Wagner-Butler case there was proven a conspiracy between the election judges, the precinct committeemen, and the candidate himself?

Mr. HAMILL. Yes.

Mr. ANDERSON of Minnesota. And the gentleman doubtless remembers that ten or twelve thousand out of 25,000 voters did not reside at the addresses at which they registered; that there was fraud in every single one of those precincts, proven before the committee in the investigation that was made, and that in spite of that, the committee did not attempt, as your committee attempts, to throw out entire wards, but merely threw out the precincts in which fraud occurred?

Mr. HAMILL. I thank the gentleman for the suggestion. If I had made the same remark I could not have said anything that would have so helped my side of the case, as gentlemen will see as I go on.

The gentleman talks about judges of elections being corrupted. The judges and clerks who officiated in the third ward of the city of St. Louis were the ones whom Reichman bribed by offering prizes of \$15, \$10, and \$5, respectively, in order to have them return the highest vote for Catlin.

Mr. ANDERSON of Minnesota. Mr. Speaker—

Mr. HAMILL. I will not yield any further. The gentleman must pardon me.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. HAMILL. It was in the third ward that Reichman, the treasurer of the contestee's campaign, was working in collusion with Brogan, the Democratic committeeman from that ward, in the interest of the contestee.

In the eighteenth ward we find that one Hank Weeke, who was acting in the interest of the contestee, confederated and combined with James J. Sheehan, the former Democratic committeeman, who presumably was acting for contestant and who selected the judges and clerks of the eighteenth ward, and working with him openly in the interest of the contestee. Weeke and Sheehan and the contestee were seen going around together to different places, introducing Catlin to the people and soliciting their support, although Sheehan was pledged to the contestant.

Furthermore there were 2,000 unnaturalized voters registered and voted in this district.

Mr. ANDERSON of Minnesota. I should like to ask the gentleman to point out the evidence of any condition of that sort.

Mr. HAMILL. It is admitted in the pleadings of the contestee that there was 2,000 votes of unnaturalized persons cast, but it is contended by his counsel that these votes were cast in favor of the contestant. Three-fourths of this foreign,



unnaturalized vote resided in the third and eighteenth wards of the city of St. Louis. It is said these 2,000 votes were cast for the contestant. Let us consider whether it is probable this was or was not the fact. It was manifestly improbable that they should have been cast for contestant. In the first place, all the control of the machinery of election was in the hands of the party of the contestee. In the second place, consider that it was, of course, impossible to run down every one of these different cases and determine for whom the ballots of all were cast. The contestant was, however, able to ferret out 311 of these cases, where persons who were not entitled to vote did actually cast their ballots, and every one of the 311 ballots were shown to have been cast in favor of the contestee.

Mr. ANDERSON of Minnesota. Will the gentleman yield?

Mr. HAMILL. No. I will not yield until I finish, and then I will ask the gentleman to use up some of his time. Now, considering that every unnaturalized vote which was investigated was proved to have been cast in the interest of the contestee, we could, I think, with a good deal of justice have concluded that the 2,000 ballots were cast rather for contestee than for contestant, and recorded them that way. But we took a fairer course than that. Rather than have the slightest imputation of injustice rest upon us in this matter, and in order to avoid the slightest charge that we were dealing with the contestee otherwise than impartially, we had resort to this principle laid down in a case heard before a committee of this House, when the contestee's own party were in the majority of the committee. That principle is that instead of counting the ballots for either candidate the proper thing to do, considering the impossibility of separating the vote, was simply to eliminate this territory from the district altogether, and then count the ballots cast in the remaining parts of the district, and give the election to the man who was shown to have a majority on that basis of calculation. Pursuing this course, we arrived at the following results. Let me first, however, read the words in which that former committee stated the principle which we followed. They said:

There was such manifest fraud and gross irregularity in each of these precincts that it is absolutely impossible to ascertain what votes, if any, were honestly cast and counted.

That was the language of the committee in the case of Wagner against Butler. Following the authority of that committee, the present committee adopts this language as its own and follows the principle therein enunciated.

On the computation of votes this course leads to the following result: The total vote cast for contestee was 20,089, from which we deduct 152 as corrected by a recount, thus making his full vote 19,937. The vote cast for Catlin in the third ward amounted to 2,621 and in the eighteenth ward to 2,704, making the aggregate vote of both wards 5,477. This latter amount deducted from the total of the district reduces his full vote to 14,612.

Pursuing the same course with Gill, we arrive at the following result: The vote returned for him in the whole district amounted to 18,612. Under the principle relied on, add together the vote of the third ward, 1,747, and the vote of the eighteenth ward, 1,905, making a result of 3,652. The latter amount, when deducted from Gill's total vote in the district, reduced his total to 15,043.

Comparing, therefore, the votes of both candidates, the committee finds that Gill possesses a majority of 431 votes.

The committee, therefore, after careful and patient study and investigation of this case, determines that the contestee is not entitled to the seat he holds and that the contestant, having been lawfully elected, is entitled to the seat.

The committee therefore recommends for adoption the resolution which I have sent to the Clerk's desk to be read.

Now, gentlemen, we have not hastily come to this conclusion, nor have we done so with any amount of willingness. We have reached this conclusion reluctantly, unwillingly, and only as the result of the most painstaking consideration, bearing in mind the enormous responsibilities that rested upon us. For we clearly realized that if we reported to this House an unjust proposition to deprive this man of his seat we would not only be inflicting a grievous injury upon him but we would be doing a great wrong to the people of the eleventh congressional district of Missouri. But, however unpleasant this duty has been, we know that it will be approved, not merely because it is correct but because it establishes a principle and a policy which this House ought faithfully to follow. [Applause on the Democratic side.] We should relentlessly rout from the floor of this House any man who comes into it as a Member whose election has been trafficked for and who carries a certificate of election that is tainted with financial corruption. [Applause on the Democratic side.]

The great trouble to-day with the legislatures of this country is that, unfortunately, the people too often have had good reason to suspect their integrity. Men have come into legislative place who were not elected by the untrammelled votes of their constituents, but who were put there by illegal methods as the representatives of some coterie who had a larger amount of money to spend than the contending candidates.

It is for that reason that we see to-day such legislative propositions as the referendum, the initiative, and the recall, and other innovations which the people in their disgust at the corruption of legislators have devised in order to obtain legislation that would be in the popular interest. We believe that this contest and the action which we anticipate this House will take on it will do more than anything else to uphold the reputation and the dignity of this Chamber before the people of the country. It is, I say, not merely a question whether Theron Catlin shall be declared not entitled to a seat and Patrick F. Gill chosen to take his place; it is a question whether the membership of this House shall be a membership sent here by the free voice of the people, or whether we are to have men who can be elected by the unlimited and illegal use of money. I want a legislature where men, not money; where brains, not bullion; where character, and not cash, shall be the test of fitness for public office. [Applause.]

And so, believing in the full confidence of the justice of the position which this committee takes, I present to you in the name of the committee this resolution, knowing well that having regard to the integrity of this House and to your own oath of office and to the interests of right and justice you will unhesitatingly sustain it. [Applause.]

Will the gentleman from Minnesota now use some of his time?

Mr. BURKE of Pennsylvania. Before the gentleman yields the floor, will he yield to me?

Mr. HAMILL. No; we have only two hours for debate on this side, and I have now used an hour. Your side has three hours, and you have as yet used none of your time.

Mr. BURKE of Pennsylvania. The gentleman did not yield during the discussion, and I want to ask him a question.

Mr. HAMILL. No; I can not yield. I ask the gentleman from Minnesota to use an hour and a half of his time.

Mr. BURKE of Pennsylvania. Does the gentleman decline to answer a question which he referred to in his own argument?

Mr. HAMILL. I absolutely decline for the reason I have stated.

Mr. ANDERSON of Minnesota. Mr. Speaker, if I may persuade the Members of the House to come down out of the clouds of innuendo and suspicion into which they have been led by the eloquence of the gentleman from New Jersey [Mr. HAMILL], I want to discuss for a few moments the naked facts of this case. I may say in passing while we are talking about suspicions, I always suspect the man who is long on oratory to be short on facts. Eloquence has ever been a poor substitute for logic.

I do not intend to make a speech on this case. I am only going to tell you the story of the events which led up to this contest. Before I go into that let me say that the majority report contains absolutely nothing of the facts of the case. The minority report was available for the first time about 11 o'clock this morning. It comports with the police court and other unfair methods which have characterized this case all the way through, that the case should have been called up before the ink was dry on the minority views.

In order to understand the events which led up to this contest it is necessary to appreciate the relationship and character of those who had to do with these events. At the time of the campaign in 1910 Theron Catlin was 32 years old. He was a graduate of Harvard University and Law School, and had had practically no business or legal experience. His political experience had been confined to one term in the State Legislature of Missouri, occasional contributions to the campaign committee of his ward, and a membership in the ward committee of his ward. He was in no sense a ward politician. He was unknown in the district. I mention these facts because they gave rise to the necessity of the advertising campaign which was subsequently conducted in his behalf.

In addition to this he was saddled with that presumption which always arises in the case of a millionaire's son, that he was a snob and a "silk stocking." This gave rise to the necessity of his going around among the social clubs in his district extending his acquaintance therein.

Theron Catlin was the son of Daniel Catlin, a man 73 years old, a retired millionaire tobacco manufacturer of St. Louis. Daniel Catlin was not a politician. He had never held a political office in his life. He was and is a business man. Theron Catlin was the brother of Daniel K. Catlin, whose business

consisted in the main of assisting his father in his numerous interests. He was also in no sense a politician, never having held a political office.

There is one other person whom it is necessary to introduce in order to understand the facts in this case, and that man is Daniel Kirby. Kirby was a well-known, highly-respected lawyer, standing at the top of the St. Louis bar. He has been, and I think is yet, a law partner of Charles Nagel, the present Secretary of Commerce and Labor. Against him, so far as the record shows and as admitted by all in the case, there is absolutely not the slightest suggestion that he was other than a man of high character and of unimpeachable reputation for truth and veracity.

In addition to these persons there were nine members of the congressional committee. This congressional committee was not the personal committee of the candidate. It was not selected by him, but its members were elected by the voters in their respective wards at the primaries.

Daniel Catlin, Theron's father, and Daniel K. Catlin, his brother, both maintain summer homes at Dublin, N. H. They occupied the homes during the entire summer of 1910 from early in July up to the last week in October. That fact is important because it absolutely disproves the allegation of intimate association during the campaign between Theron Catlin and his father and brother.

During the early part of September, 1910, Daniel Kirby was in the East on a vacation trip. He took occasion during that trip to visit with Daniel K. Catlin, at Dublin, N. H. I may say, in passing, that Kirby had been for many years on intimate terms with the Catlin family, although he had never at any time represented any member of the Catlin family as counsel. While this visit was going on Daniel K. Catlin and Kirby paid a visit to Daniel Catlin, the father, at his home. There, after some preliminary conversation, and along toward the time when Daniel Kirby and Daniel K. Catlin were about to go home the question of Theron Catlin's candidacy came up. Kirby volunteered, by reason of his long friendship for the Catlin family, recognizing that Daniel and Daniel K. Catlin knew absolutely nothing about political campaigns, to see that any money which they might want to contribute to Theron's campaign was properly and legally expended.

Daniel Catlin, recognizing his own position, recognizing that he had no political experience, accepted the offer. There was some conversation as to the amount that would be necessary to be expended for advertising and getting out registration, and so on. My recollection of the testimony is that the amount suggested as the minimum amount was about \$7,000.

I had desired to go into the testimony in this case, especially the testimony with reference to this particular visit, and in my judgment it is important and should convince any fair-minded man that there was absolutely nothing in this visit of the Lorimer slush fund or the bathroom performance. But the short time allowed me will not permit of extended reading of the evidence. Therefore I will only state the facts. Kirby came there of his own motion. The conversation which took place with reference to Theron's campaign was an incident of the visit and nothing more. This visit is doubly important, for if there was any conspiracy to bribe and debauch the electorate of the eleventh congressional district its inception was at that meeting. So far as my reading goes there has never been a case of wholesale bribery and corruption in an election without a conspiracy between candidates and election officials.

I say that no one can read the evidence and believe that Daniel Kirby, of the St. Louis bar, Daniel Catlin, and Daniel Catlin's son, in the father's own home, in the presence of his daughter, the sister of the candidate, conspire to debauch the electorate of the eleventh congressional district. It does not comport with our understanding of human action. So right at the inception we start out with good motives—with good purposes.

Shortly after this visit, Kirby was about to return home, and telephoned to Daniel K. Catlin that he desired \$1,000 with which to start the campaign and to get out the registration. In St. Louis they have three days of registration about the middle of September. It was for this purpose that Kirby desired the first installment of money. Subsequently six additional checks were given by Daniel Catlin either to Daniel K. Catlin, and through him to Mr. Kirby, or to Mr. Kirby direct. These checks aggregated the sum of \$10,200. They were used by Mr. Kirby, as he testified, at various times during the campaign, and to me it seems an indication that Kirby's testimony with reference to how this money was expended was true, that the funds were required from Daniel Catlin by Daniel Kirby at such times and in such sums as he, Kirby, actually needed them for the purposes for which he intended to use them. In

other words, there was no big bribery fund, no slush fund hung up, with which the voters might be bribed or other corrupt practices indulged in. Of this \$10,200 Kirby testified, and his testimony is accepted by the contestant in this particular, that \$400 was expended for a press agent, whose duty it was to write reports and news items for the newspapers. Three hundred and fifty dollars was expended for cards, posters, and dodgers, to be used at ward meetings and through the district during the campaign. Fifty dollars was expended for stereopticon slides, \$50 for ward meeting advertising, hall rent, and so forth; \$1,300 in employing canvassers, whose duty it was to use their efforts in securing a full registration. I want to say in this connection that at the time of this campaign the prohibition issue was up in Missouri. That had a very large effect upon the registration.

Daniel Catlin, as the testimony shows, was very much interested in this issue. He was a very large property holder in the city of St. Louis, and he felt that if prohibition was passed in the State it would depreciate the value of his property. He was very anxious, therefore, to have out a full registration of all nationalities in St. Louis, believing that especially the Germans, as he testified, would vote against prohibition. This money, therefore, was not altogether expended in the interest of Theron Catlin, and I may say in passing that in addition the testimony shows that every dollar of it was expended not alone in Theron Catlin's interest but was expended for the whole Republican ticket in the district.

Mr. HAMMOND. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Minnesota. Certainly.

Mr. HAMMOND. Did Mr. Kirby superintend the disbursing of all this money of which the gentleman speaks?

Mr. ANDERSON of Minnesota. Yes.

Mr. HAMMOND. Thirteen hundred dollars of it, I understand, was expended to secure registration lists?

Mr. ANDERSON of Minnesota. Yes; to secure registration of voters.

Mr. HAMMOND. When those lists were obtained with whom were they deposited?

Mr. ANDERSON of Minnesota. Lists?

Mr. HAMMOND. Yes; the registration lists.

Mr. ANDERSON of Minnesota. Later on I expect to explain, if I have the time, the system of registration that obtains there.

Mr. HAMMOND. Mr. Speaker, if the gentleman will pardon me, were the registration lists when they were obtained, for which the \$1,300 was expended, given to the congressional committee?

Mr. ANDERSON of Minnesota. I think the gentleman misunderstands me. The \$1,300 was expended in employing persons who would get out the voters—bringing in persons to register.

Mr. HAMMOND. I understand. I would like to ask the gentleman another question, though perhaps I may anticipate him. Were there any registration lists secured by Kirby—lists of voters?

Mr. ANDERSON of Minnesota. No. The registration was an official act performed by a Democratic judge and a Democratic clerk and by a Republican clerk and by a Republican judge at the registration period. These men were employed to get out and bring persons in to secure a full registration, because the law provided that no person could vote who was not registered. They desired a large registration, a large vote, because prohibition was an issue, and they believed by getting out all the voters they would gain both against the prohibition issue and in behalf of Theron E. Catlin.

Mr. HAMMOND. Just one more question. What connection was there between the candidate's congressional committee and Mr. Kirby?

Mr. ANDERSON of Minnesota. None whatever, except that Mr. Kirby expended the funds which he received from Daniel Catlin, the father of the contestee in this case, through the members of the city and congressional committees. The city committees, as I have already intimated, were elected by the voters of the wards, and they were ex officio members of the congressional committee. Mr. Kirby used these members of the congressional committee to disburse the money through the different precincts for the purposes of which he testified, and the testimony shows that in every instance he specified when he paid over any money to any member of the city or congressional committee the purpose for which it was to be expended and how it should be expended in every instance. He kept a string on it, as it were, in order to make doubly sure that it was used for legitimate purposes.

Mr. HAMMOND. Who was the treasurer of the congressional committee?

Mr. ANDERSON of Minnesota. George Reichman.



Mr. HAMMOND. And it was through him that the money that Kirby received was disbursed?

Mr. ANDERSON of Minnesota. Not all of it. Kirby made a contribution to the congressional committee of \$1,400, which all went through George Reichman, but the balance of the money, except that paid for advertising, and so forth, was distributed among the members of the congressional and city committees by Kirby as an individual, acting for Daniel Catlin, the father of the contestee.

Mr. HAMMOND. The treasurer, Mr. Reichman, reported \$1,400 as received from Kirby, or \$1,000.

Mr. ANDERSON of Minnesota. He reported \$1,000.

Mr. HAMMOND. But he did receive \$1,400?

Mr. ANDERSON of Minnesota. I understand the evidence so shows. I am frank to say that I can not explain it, except that I am so informed. It is not a matter of record. I want to be perfectly fair about it. Let me conclude. Mr. Reichman says that it was merely an oversight upon his part. He was a member of a number of political committees, and he had charge of the funds of the city and the congressional committee, and had a great many affairs. He says that among all these affairs which he had to attend to during the campaign this \$400 was overlooked. Now, the record shows \$1,400 was contributed by Kirby—

Mr. HAMMOND. And that is all the money Kirby received?

Mr. ANDERSON of Minnesota. No.

Mr. HAMMOND. Which was disposed of through the congressional committee received from the Catlins.

Mr. ANDERSON of Minnesota. The entire amount, as near as I understand, was in the neighborhood of \$7,000. There were other expenses for advertising, and so forth.

Mr. HAMMOND. Does the evidence show that the candidate, Catlin, thought this was spent in accordance with the congressional work being done?

Mr. ANDERSON of Minnesota. Well, the evidence shows there were only one or two meetings of the congressional committee. The testimony shows that Catlin went out with members of the committee; that they took him around and introduced him at various places in their particular precincts and wards, but there is absolutely no evidence in the record that any man at any time during the campaign ever said to Theron Catlin that his father was spending money or that Kirby was spending money or that anybody else was spending money in his behalf. Nothing of that kind was intimated by anybody. There is not a scintilla of direct evidence that anybody brought to Theron Catlin the knowledge that money was being expended by any one, except the congressional committee.

Mr. HAMMOND. Was there a fair inference that the candidate Catlin knew that the congressional committee was expending in that contest a sum amounting to from \$5,000 to \$7,000?

Mr. ANDERSON of Minnesota. I do not think so. There is no inference of that kind. I want to point out in that connection that if it was true the congressional committee was spending \$6,000 to \$7,000, they had a perfect right to do it. It was not unlawful for any person or political committee to spend money legitimately, nor was there any limitation upon the amount any committee or any person, other than the candidate himself, might lawfully spend.

Mr. HAMMOND. As I understand the gentleman, he deducts from the evidence that there is no fair inference that the candidate Catlin knew that between \$5,000 and \$7,000 was being expended in his behalf?

Mr. ANDERSON of Minnesota. I will say there is not only no such inference, but there is direct testimony of four persons—Daniel Catlin, D. K. Catlin, Irene Catlin, and Kirby—who did know of Daniel Catlin's expenditures and who testified directly that they never spoke to Catlin about it; that they believed he did not know about it; that he never knew that his father was spending money or that money was being spent by anybody except by the congressional committee. Now, I desire to say to the gentleman that although the chairman of the committee declined to yield to me I want to be very fair about the matter, because I am not in the position in the case of the juryman who said, "I believe the cuss is guilty, but they have not proved it." I believe absolutely that Mr. Catlin is innocent of both corrupt dealing in his election and of knowledge of unlawful expenditures.

Mr. HAMMOND. Is there any evidence in the case that the candidate Catlin, or, rather, did the candidate Catlin give evidence in the case?

Mr. ANDERSON of Minnesota. Yes.

Mr. HAMMOND. Did he state at any time that he did or did not know that a large amount of money was being expended, whether lawfully or unlawfully?

Mr. ANDERSON of Minnesota. The testimony shows that he stated that he looked to his committee to handle the financial part of the campaign; that he paid no attention to it whatever; that he knew nothing about it. It has been the custom there, as he says and as is admitted, for the congressional committee to solicit funds and dispose of them, and he paid no attention whatever to that part of the campaign.

Mr. HAMMOND. I thank the gentleman very much.

Mr. ANDERSON of Minnesota. Now, if I may proceed with the argument which I had in mind in regard to the objects for which money was spent. Twenty-four hundred dollars was spent for the employment of canvassers and electioneers on election day. There were 123 precincts in this district, so that would amount to about \$20 a precinct. Then, there was \$2,300 spent for the purchase of 35,000 American flags and for the distribution of these flags through the district. These flags bore a streamer with the legend "Vote for Catlin for Congress." There was \$1,000 spent for advertising in the Jewish, Bohemian, and Russian newspapers. There were \$350 spent for pictures, signs, banners, and so forth, at the Catlin headquarters and elsewhere. Twenty-five dollars was paid to each of nine congressional committeemen for the hire of automobiles on election day. Fourteen hundred dollars was contributed by Kirby to the congressional committee. There were \$315 paid Con Maloney for going over the district and electioneering and determining the status of the campaign in the various precincts, making a total of \$10,140 spent by Kirby in the campaign. I want to point out at this point that this testimony is corroborated by the testimony of F. W. Beckman, a member of the congressional committee. The contestant put Beckman on the stand with a view of following out these expenditures, and in every instance the testimony of Beckman corroborates the testimony of Kirby as to how this money was distributed and as to the purposes for which it was used. Now, Beckman was the only member of the congressional committee who was called by the contestant. If the contestant in this case does not admit, if he did not accept the testimony of Kirby as being true as to the purposes for which this money was expended, the duty—the burden—was upon him to produce the rest of the congressional committee who might be expected to testify to the contrary. It is the "reductio ad absurdum" for contestant to accept the testimony of Kirby as to the amount of money spent, deny it as to the purposes for which it was spent, and then make no effort to contradict it by witnesses, who it is admitted knew the facts and could be produced to testify.

Now, the gist of the case, the nub of the case, is in this question, Shall the expenditure of Theron E. Catlin's father, Daniel Catlin, be charged to Theron E. Catlin, so as to make his expenditure exceed the amount he could legally spend? That is the nub of this case. That is the only theory upon which the majority can oust Catlin. If it can not be shown as a matter of law that \$10,200 contributed by Catlin's father should be charged to Theron E. Catlin and taken into consideration in determining the question whether he, Theron E. Catlin, exceeded the amount of expenditure allowed by law, then this case absolutely falls to the ground. I refer now to the statute quoted by the majority. Without reading it in full, it provides that—

No candidate for Congress or for any public office in this State, or in any county, district, or municipality thereof, which office is to be filled by proper election, shall, by himself or by or through any agent or agents, committee, or organization, or any person or persons whatsoever, in the aggregate pay out or expend, or promise or agree or offer to pay, contribute, or expend, any money or other valuable thing in order to secure or aid in securing his nomination or election or the nomination or election of any other person or persons, or both such nomination and election, to any office to be voted for at the same election, or in aid of any party or measure, in excess of a sum to be determined upon the following basis, namely—

And so forth.

In this case the limit prescribed was \$662.

Now, the Supreme Court of the State of Missouri has held that statute to be penal in its nature, and therefore to be strictly construed. I defy anybody to read that statute and come to any conclusion other than that it amounts to nothing more than a limitation upon the personal expenditures of the candidate. I defy anybody to show anything in that statute that makes it apply to anyone except the candidate himself.

But we are not obliged to rest upon the statute alone. We may have recourse to the law as a whole. In addition to this section, the Missouri law provides, as I have already stated in answer to inquiries, for the election of a congressional committee. It provides that this congressional committee shall have a treasurer, who shall keep an account and make a statement. Now, in this case both Gill and Catlin had a congress-

sional committee. Both of these committees expended a sum which, if added to the personal expenditures of the candidates themselves, would have taken them over the prescribed limit of \$662. But, obviously, the committee does not consider that this expenditure by the congressional committees should be added to the expenditure of the candidates, because if that is done, it will damn the case of the contestant as well as that of the contestee. In other words, if the expenditure of Gill's congressional committee is added to his own expenditures, he will have exceeded the limit fixed by law.

But, with a peculiar and, it seems to me, a vicious inconsistency, the majority of the committee contends that while the expenditures of the congressional committee shall not be added to the expenditures of the candidates, yet the expenditures of other political committees and of other persons with whom the candidate had no official connection, and concerning the expenditures of which he could know nothing, should be added to his expenditures. There is no difference in law between the congressional committees and other political committees. Both are required to have a treasurer to keep an account and file a statement; so that if the expenditures of the congressional committee shall not be added to those of the candidate, it is absolutely and absurdly inconsistent to contend that the expenses of other political committees and other persons with whom the candidate had no legal relation whatever shall be charged to him, thus taking him over the legal limit. Yet that is the position of the committee.

Mr. MICHAEL E. DRISCOLL. Mr. Speaker, will the gentleman yield for just one question?

Mr. ANDERSON of Minnesota. Yes.

Mr. MICHAEL E. DRISCOLL. This statute provides that the expenditures shall be declared unlawful if in excess of the amount mentioned. What is the penalty? Does the court find that the election is void?

Mr. ANDERSON of Minnesota. No. The law provides for a proceeding in the nature of quo warranto, by which the defeated candidate, or the candidate having the next highest number of votes, can go into court and show that the person receiving the highest number of votes has violated the corrupt-practices act. The act further provides that if that showing is made, the person receiving the highest number of votes shall be ousted, and that no certificate of election shall be issued to him, but that the certificate of election shall be issued to the person receiving the next highest number of votes.

Mr. MICHAEL E. DRISCOLL. It provides a penalty for the violation of the law, does it not?

Mr. ANDERSON of Minnesota. Yes; it provides for a penalty of fine and imprisonment.

I want to say, while I am on that question, that the committee, after making a long and careful investigation of this case, in all its phases, say that the section of the statute to which I have just referred, providing for the ousting of a candidate who has violated the corrupt-practices act and the issuing of the certificate to the person receiving the next highest number of votes is constitutional.

This statement is, to say the least, extremely unfortunate. It has the additional infirmity of being absolutely untrue. In the case of the State ex inf. v. Towns (153 Mo., 91) the Supreme Court of the State of Missouri holds that section which provides for the issuance of a certificate of election to the person receiving the next highest number of votes, after the ouster of the person receiving the highest number, is unconstitutional, and no action can be predicated upon that statute here, if we are to follow the very rule which the majority of the committee contend we shall follow.

Mr. LINTHICUM. Mr. Speaker, will the gentleman yield for a question?

Mr. ANDERSON of Minnesota. Yes; I yield.

Mr. LINTHICUM. Was not that decision of the court in reference to the appointment to offices which the executive filled in case of vacancies, and the ground of it was that you could not take away from the executive the power of appointment?

Mr. ANDERSON of Minnesota. No. The court declared that section of the statute to be unconstitutional, for the reason that it did take away from the governor the power of appointment, and for the additional reason that no man can be elected to an office who does not receive a plurality of the uncorrupted votes.

Mr. SIMS. Mr. Speaker, may I ask the gentleman a question for information?

Mr. ANDERSON of Minnesota. Yes; but I will ask the gentleman to make it short.

Mr. SIMS. Is it section 6046 of the Revised Statutes of the State of Missouri that the gentleman refers to as the law preventing expenditures other than personal expenditures in certain cases?

Mr. ANDERSON of Minnesota. Yes; I think so. I do not recollect the exact section of the statute.

Mr. SIMS. I saw that section mentioned in the report. I did not know.

Mr. OLMSTED. Mr. Speaker, if it will not interrupt the gentleman, I should like to ask him a question.

Mr. ANDERSON of Minnesota. Certainly.

Mr. OLMSTED. Did I understand the gentleman to say that the Supreme Court of Missouri had declared that act unconstitutional?

Mr. ANDERSON of Minnesota. In part.

Mr. OLMSTED. As being in conflict with its own constitution or with the Federal Constitution?

Mr. ANDERSON of Minnesota. In conflict with its own constitution; but my recollection is that the Supreme Court of the United States has once held that no man can be elected to an office who has not received a plurality of the uncorrupted votes cast in that election.

Mr. OLMSTED. Is it not plain that under the Federal Constitution no State could require that any man should sit in this body who had received only a minority of the votes in his district?

Mr. ANDERSON of Minnesota. Yes.

Mr. OLMSTED. I should like to call the attention of the gentleman also to the fact that in the case of Smith v. Brown, reported in Second Bartlett, page 395, this House decided that a man was not entitled to his seat on a minority vote where the man receiving the majority vote was ineligible.

The same was decided in Commonwealth v. Cluley by the Supreme Court of Pennsylvania, reported in Fifty-sixth Pennsylvania State Reports, page 270, the opinion being written by Mr. Justice Strong, who afterwards sat in the Supreme Court of the United States.

The same thing was also decided by the Supreme Court of California in Saunders v. Haynes, reported in Thirteenth California, 145.

The Senate of the United States, in the case of Joseph C. Abbott, from North Carolina, decided that, the man receiving the majority vote being ineligible, the receiver of the minority vote could not be entitled to the benefit of the election.

Mr. ANDERSON of Minnesota. I think that is undoubtedly the law. I do not think there is any doubt whatever about it.

Now, the majority of the committee propose to write into the law of Missouri a new provision to the effect that if the candidate had knowledge of expenditures by other persons than himself, those expenditures shall be added to his own; and if these expenditures, added to his own, exceed the limit fixed by law, that they shall invalidate his election.

There is absolutely nothing in the law of Missouri or any other law which warrants the committee in writing this provision into the law.

But it is perhaps worth while to direct attention to some of the things upon which the committee rely to show knowledge on the part of Theron Catlin of these expenditures.

In the first place, it is alleged that Theron Catlin had access to his father's books and accounts in the safe, and therefore had opportunity, at least, to find out that his father was expending money in his behalf. This argument, of course, overlooks the fact that if Theron Catlin had gone all through his father's books he would have found there absolutely nothing which would have indicated to him that his father was spending a dollar in his campaign.

Mr. KORBLY. Will the gentleman yield?

Mr. ANDERSON of Minnesota. Yes; I will be more courteous than the gentlemen of the majority were to me. I will yield.

Mr. KORBLY. He would have found the check for \$1,000 drawn in favor of Mr. Kirby, would he not?

Mr. ANDERSON of Minnesota. Yes.

Mr. KORBLY. Would not that have put him on notice of the object in inviting Mr. Kirby to that dinner?

Mr. ANDERSON of Minnesota. Absolutely not at all; and there is not a particle of evidence to the effect that Catlin ever went near those books during the entire campaign. There is absolutely not a line of evidence. As a matter of fact, counsel for contestant spent several weeks going over these books and found nothing which he thought worthy of placing in this record. If counsel for contestant, who, I may say, was extremely partisan in this case, found nothing in the books which excited his suspicion, it would hardly be fair to assume that Theron Catlin would have found anything there to excite his suspicions.

Again, it is charged that on the Wednesday before election, I believe, a dinner was held at the Catlin home at which the nine members of the congressional committee were present, with Catlin's father, Kirby, and himself. It is charged that the ex-



penses of the campaign were talked over. This was denied by every man who was present and who testified; denied by Kirby, denied by Catlin's father, denied by Catlin himself. If the members of the majority and of the minority of this House are to believe that the question of finances was discussed at this dinner, they must believe that these nine men, having been invited to dinner at the Catlin home, violated the hospitality of their host, and debauched his dinner table by engaging in a vile conspiracy to corrupt the election in the eleventh congressional district; they must believe they did this atrocious thing in the actual physical presence of Catlin's sister and Catlin's mother, with the connivance and consent of Catlin himself and of his father. It may be that gentlemen on the other side can believe that. For myself I can not, in the face of direct testimony to the effect that the finances of the campaign were never discussed at that dinner.

Again there is in connection with this dinner one incident which it seems to me shows very conclusively that Theron Catlin knew absolutely nothing about Kirby's connection with this campaign.

Catlin had asked his father if he could have this congressional committee out at the house, and his father suggested that he bring them out to dinner. Catlin did not invite Kirby. He invited the nine members of the congressional committee, but did not invite Kirby, for the very obvious reason that he did not know that Kirby had anything to do with this campaign. He did not know anything about that. If he had known that Kirby was representing his father and spending money to aid in his election, certainly he would have invited Kirby to the dinner on his own motion. He did not invite Kirby until the day previous to the dinner after everybody else had been invited. Then one of the members of the committee by the name of Goldstein met Catlin on the street and asked him if he had invited Kirby to the dinner. Catlin said "no, he had not invited him." Goldstein said, "I wish you would invite him. I would like to have him there," and Catlin invited him. It seems to me this incident shows beyond any question Catlin's innocence with reference to Kirby's connection with his campaign. That it shows Catlin's absolute lack of knowledge that Kirby was doing anything in the election.

Mr. SIMS. May I ask the gentleman a question?

Mr. ANDERSON of Minnesota. Yes; I do not care to yield for argumentative interruptions, but I am glad to yield if I do not make the facts clear.

Mr. SIMS. I just want to ask the gentleman if it would make any difference whether or not the money was corruptly expended to debauch the election; that is to say, was the limitation to be on the use to which it was put or on the amount?

Mr. ANDERSON of Minnesota. There was no limitation which an individual other than the candidate could expend.

Mr. SIMS. The candidate himself could not expend over a certain amount?

Mr. ANDERSON of Minnesota. Not over \$662.

Mr. SIMS. But the gentleman's position is that anybody else might expend any amount.

Mr. ANDERSON of Minnesota. That is my position.

Mr. LLOYD. The gentleman means if the candidate had no personal knowledge of it.

Mr. ANDERSON of Minnesota. I do not think that the personal knowledge of the candidate cuts any figure.

Mr. LLOYD. If he knows that the money was spent he is bound to account for it.

Mr. ANDERSON of Minnesota. Even if he has knowledge and fails to account for it it has nothing to do with the legality of his election.

Mr. LLOYD. About that the gentleman is entirely mistaken.

Mr. ANDERSON of Minnesota. I am not mistaken; I am entirely correct. If the gentleman's proposition is correct there is not a Member of the House from the State of Missouri that holds his seat legally—not one.

Mr. DICKINSON. Will the gentleman yield for a question?

Mr. ANDERSON of Minnesota. Yes.

Mr. DICKINSON. May I ask, if the gentleman's theory is the law and is correct, how does he explain that the candidate for Congress, in this instance Theron E. Catlin, was required to make this kind of an affidavit: "I, Theron E. Catlin, being duly sworn"—

Mr. ANDERSON of Minnesota. Oh, Mr. Catlin did make that affidavit and nobody in this case has questioned its accuracy or truth.

Mr. DICKINSON. But I wanted to call the gentleman's attention to the latter part of it, where he says "to the best of my knowledge and belief by any other person or persons in my behalf, wholly or in part, in endeavoring to secure in any way"—

Mr. ANDERSON of Minnesota. Yes; that is in accordance with the statute; the affidavit was filed by Mr. Catlin, as it was by every other candidate.

Mr. DICKINSON. Does the gentleman claim that if Mr. Catlin knew that large amounts of money had been expended in his behalf by others that he could make this affidavit which he did make and be entitled to his seat legally?

Mr. ANDERSON of Minnesota. I say that if he had knowledge that money was to be spent by other persons, and knew who the persons were and the amount expended, it was his duty to put them in the affidavit, but whether he did or not does not affect his title to a seat in this body.

Mr. COOPER. Will the gentleman permit an interruption?

Mr. ANDERSON of Minnesota. Yes.

Mr. COOPER. In my judgment the construction of the Missouri law by the gentleman from Minnesota is correct. This is the language of the statute: "No candidate for Congress," and so forth, "shall by himself or by an agent, or any person or committee," and so forth. Notice that word "by." The Missouri law prohibits a "candidate" from doing certain things either "by himself" or "by any person, agent, or committee." A candidate does not do an act "by" another person, or "by" a committee unless he authorizes that person or committee to do it. If another person does the act of his own accord it is not the act of the candidate, nor is it done "by" him. The candidate does it by another person only when the candidate authorizes that person to act in his behalf. How do gentlemen evade that? A statute might prohibit any person or committee from doing certain things on behalf of a candidate. That would be one thing; but it is an entirely different thing when the statute prohibits, as it does, only the candidate from doing certain things "by" another person or "by" a committee.

I think the construction put upon the statute by the gentleman from Minnesota is correct.

Mr. ANDERSON of Minnesota. There are some general considerations to sustain the legality of this election. In the first place, fraud is never presumed; fraud must always be proved. Good faith is always presumed, and in the absence of proof fraud is taken to be nonexistent.

There were in the eleventh congressional district 9 State senatorial districts and 16 legislative districts. In every one of these districts contests were had before the State legislature and the State senate, both of which were Democratic by substantial majorities. These contests involved the same ballots, the same voters, the same judges of election, the same clerks of election, and, in a large measure, the same statement of facts as are in issue in this case. And yet in every one of these contests the legality of the election was sustained by the Democratic majority.

Again, in this election—and I want to explain right here about the ballots in the State of Missouri. There they have a party ballot. The Republican ballot comes at the top, the Democratic ballot next, the Socialist next, and they are attached at the top and perforated so that the voter can tear off any ballot he wishes. He takes the bunch of ballots, goes to the booth, tears off the one he wants to vote, marks it, and hands the judge of election the ballot he wants to vote and also the ballots which he has not marked.

The stub of the ballot is thrown into the sack at one side and the ballot he votes is placed in the box. Now, these ballots are numbered in such a way that it is possible to tell who cast the ballots. If you go through the record you will find a record of the vote, showing just who voted for Catlin and who voted for Gill and their addresses. So that in every instance, if there was anything about a ballot that suggested fraud, it was possible to go to the voter who cast it and get his testimony.

Now, the contestant in this case picked out the names of 4,000 men who had voted for Catlin and sent out canvassers over the district to determine whether these voters resided at the places from which they registered at the time of the election. The testimony of the canvassers was that out of the 4,000 names which they examined and into which they made investigation 96 could not be found living at the place from which they registered. Subsequently the contestee brought in 65 of the 96 and they testified in this case, so that as the case stands to-day there are 31 ballots cast by persons who did not reside at the places from which they registered—31 altogether. Can this be said to be evidence of wholesale fraud and illegal voting?

Again, there was a recount of every ballot in this election. I direct your attention at this point to the record. Here, for instance, is a memorandum of the ballots, with the number of the ballot at the top of the first column, the initials of the judges in the second column, the person for whom the ballot

was cast in the third, the number on the face of the ballot showing whether it was a Democratic or Republican ballot in the fourth, and a fifth column headed "Remarks." If you go down the list, which contains 85 names, you will find no notations in the column of remarks, indicating that there was not an irregular ballot in the whole 85. Go across to the other page and there are indicated three irregular ballots in the column headed "Remarks." On the back of one ballot the notation shown is the name of Bernard O. Spreckels, and on the back of another are the initials of the man who cast the ballot, and in another case it is marked "duplicate." There are 3 irregularities—3 out of 85. The first two indicate that the voter wrote his name or initials on the back of the ballot. So you can go through the entire record and you will find that the number of irregularities in this election was less than in the average election held anywhere. This demonstrates that there was no fraudulent voting or fraudulent counting, for in every instance the contestant could produce the person casting the ballot. The recount showed a total difference of 142 votes from the returns. As many errors were made in favor of Gill as were made in favor of Catlin, showing that there was no conspiracy to fraudulently count the ballots. In addition to the contests before the State legislature there were contests for State superintendent of schools, for another State officer, and for justice of the State supreme court brought by Democrats against Republicans who had been declared elected. In all three of those instances the supreme court, having all of the testimony before it, having all of the ballots before it, having in mind that the election involved the same voters, the same ballots, the same judges, the same clerks, and the same statement of facts as in this case, found absolutely no fraud in the election. This was a Democratic supreme court. If the Supreme Court of the State of Missouri had done what the majority of the committee in this case did, if they had rejected the returns in the third and eighteenth wards of the eleventh congressional district, the Democratic candidate for judge of the Supreme Court of the State of Missouri would have received the highest number of votes. They found no fraud in the third or the eighteenth wards which would warrant them in taking that action.

Mr. KORBLY. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Minnesota. Certainly.

Mr. KORBLY. The case that the gentleman talks about did not involve the expenditure of this excessive amount of money at all?

Mr. ANDERSON of Minnesota. No; it did not involve the expenditure of this money, except in this way: If this money was used to corrupt voters, to bribe voters—if it was used to corrupt judges of elections or clerks of election—it corrupted them just as much, so far as the justices of the supreme court were concerned, as it did with reference to Theron Catlin. The same question of fraud was involved in both cases.

Mr. HARDY. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Minnesota. Yes.

Mr. HARDY. In these other cases, however, the judgeship, when there was no connection between the candidates and the expending of money, the evidence as to the expending of money by the friends of the contestee here would not have been admitted, would it?

Mr. ANDERSON of Minnesota. So far as the expenditure of money by Catlin in excess of the legal limit is concerned, I am frank to say, and I have been entirely frank all through this case, that it had absolutely nothing to do with the case to which I have referred.

Mr. HARDY. And could not have been before the court.

Mr. ANDERSON of Minnesota. No. It was not before the court, so far as I know, but there is a charge in this case of absolute and wholesale fraud permeating from one end to the other of this district. That fraud could not have existed so as to invalidate the election of Mr. Catlin, so as to have given the election to Mr. Gill, and not have tainted the election of these other three persons against whom contests were brought.

Mr. HARDY. But the point is that it could not have been proven in that case. The evidence of money spent in this case was not admissible in that case.

Mr. ANDERSON of Minnesota. Of course it could be proven, because the question of fraud was a question in that case, as in this.

Mr. HARDY. As to the illegal voters, but not as to the spending of money.

Mr. ANDERSON of Minnesota. Yes; the same question of fraud was involved. The question of expenditures in excess of the legal limit was not involved.

Mr. McCALL. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Minnesota. Yes.

Mr. McCALL. That decision would effectually dispose of one branch of the case, where the committee, on account of these so-called unnaturalized voters, threw out some thousands of votes.

Mr. ANDERSON of Minnesota. Absolutely.

Mr. McCALL. It would dispose of that feature of the case absolutely.

Mr. ANDERSON of Minnesota. Absolutely. The court did have that question up and disposed of it adversely to the contentions of the contestants.

Mr. TALCOTT of New York. Did I understand the gentleman to say that the case involved the question of the regularity of the voters of the eighteenth ward?

Mr. ANDERSON of Minnesota. Absolutely so. It was contended in the case before the Missouri Supreme Court, for instance, that there were irregularities in this respect, that the clerks of election had failed to write "Yes" in the column headed "Qualified voters," and the court held that that was a mere irregularity, not going to the legality of the elections. Inasmuch as the question of the 2,000 votes of unnaturalized persons has been brought up at this point, I desire to briefly refer to it. I have here a copy of the register of voters in the city of St. Louis. This is the form used for registering voters in the St. Louis election. Beginning at the left-hand side, the legends at the top of the perpendicular columns are as follows:

"Residence, name, line number, nativity, color, age in years, occupation, term of residence (precinct, city, and State), native, naturalized, declaration of intention, by act of Congress, qualified voter, date of application to be registered, erased line number, voted," and underneath "voted" is "one, two, three, four, five, six," for whatever election the voter had voted at.

Then comes a column entitled "Remarks," and under that "Date of papers, court issuing same, why disqualified and erased, date of transfer," and so forth, and at the extreme right a place for the signature of the voter. When the voter goes to the precinct to register he is asked the necessary questions and these various columns are filled in. Occasionally a clerk makes an error.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ANDERSON of Minnesota. Mr. Speaker, I shall proceed for 15 minutes additional. The voter having come to the precinct to register, he is asked the necessary questions and these columns are filled out. Then he signs on the right-hand side opposite the line in which the information is contained. The contestant, in rebuttal, mind you, when the contestee had no opportunity to meet the testimony, produced the secretary of the board of election commissioners of the city of St. Louis, who testified as follows:

Q. Turn to ward 27, precinct 4, line 127, under the letter H.—A. I find on line 127 of the original registration of ward 27, precinct 4, the name of Adolph Holkmiller (Nolkenler); residence, 5023 Terry Avenue; nativity, German; date of registration, September 22, 1910; but I fail to find any record showing in and to what court he became naturalized or naturalization papers were issued to him.

In other words, the clerk failed to put in this column under "Remarks" the name of the court in which the voter was naturalized, and upon this evidence it is claimed 311 persons who were not naturalized citizens voted in the election. In this way 311 names were written into the record. There is not a line of testimony that these voters were not actually naturalized. None of them were called to the stand by the contestant, and the contestee had no opportunity to call them to the stand. He was even denied the right of cross-examination, so that when contestant got these 311 names in the record they stood there as unnaturalized, although there had been no direct evidence that they were not in fact naturalized.

Mr. HAMLIN. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Minnesota. Yes.

Mr. HAMLIN. Is it not true that the contestee admits in his pleadings that there were 2,000 unnaturalized voters permitted to register and vote?

Mr. ANDERSON of Minnesota. Absolutely not.

Mr. HAMLIN. Will the gentleman permit me just to read a line from the answer of the contestee?

Mr. ANDERSON of Minnesota. I will not. I will explain that if the gentleman insists upon getting me out of the thread of my argument.

Mr. HAMLIN. But the gentleman was discussing that point.

Mr. ANDERSON of Minnesota. The notice of contest contains an allegation on the part of the contestant that 2,000 unnaturalized persons voted in the election and voted for Mr. Catlin. The notice of contest asked that the ballots be opened in the wards in which Mr. Catlin had a majority. It did not ask that all of the ballot boxes be opened. Mr. Catlin in his answer asks that all of the ballot boxes be opened, courting the



fullest investigation of the ballots, and as a counter allegation to that of the contestant alleged that 2,000 unnaturalized persons voted in the election and that these unnaturalized persons voted for Mr. Gill. The gentleman from Missouri, taking the allegation of the notice of contest, or the petition, and the allegation in the answer, attempts to make of the allegation in the answer an admission on the part of the contestee that 2,000 unnaturalized persons did in fact vote in the election. Those are the facts in the case.

Mr. HAMLIN. Will the gentleman permit me to read just two lines—

Mr. ANDERSON of Minnesota. If the gentleman is going to tell the whole story he can tell it in his own time.

Mr. HAMLIN. But the record simply states that the contestee avers that 2,000 unnaturalized voters voted.

Mr. ANDERSON of Minnesota. It does aver—it is a direct allegation, not an admission, and must be proven.

Mr. HAMLIN. It is an attempt on his part—

Mr. ANDERSON of Minnesota. No; I say it is a direct allegation. I am surprised that any man who claims to be a lawyer should try to construe it as an admission. It is both absurd and unfair. Now, let us just for a moment consider where these 311 persons voted who it is claimed were unnaturalized. I made an investigation of the record for the purpose of determining in what wards these votes of unnaturalized persons were cast. I find 378 names written in the record in the manner in which I have just stated. Some of these showed irregularities other than the failure to state in the proper column the court in which the person was naturalized. Of these 378 I have mentioned 34 were cast in ward 2, 49 in ward 19, 78 in ward 20, 96 in ward 4, 23 in ward 2, 66 in ward 27, 13 in ward 18—the smallest number—and 19 in ward 3—the next lowest number. In the eighteenth and third wards, having the lowest and next lowest number of irregularities, it is proposed to throw out the returns for illegality. It appears that 96 of these irregularities occurred in ward 4, which Gill carried with a majority of 341; 66 in ward 27, which Gill carried with a majority of 148; 78 in ward 20, which Gill carried by a majority of 724. So you will see that if any wards are to be thrown out for these irregularities wards 4, 27, and 20, which were carried by Gill, should first be thrown out.

Now, I want to take up as briefly as I can some of the specific allegations of fraud in this case. There are two specific allegations of fraud in the third ward. The allegation is made that prizes were offered to judges and clerks of election in the third ward. Francis H. Evers was the principal witness produced by contestant in support of this charge. Evers, however, reversed himself on cross-examination. Here is the cross-examination:

Q. Mr. Evers, as I remember your testimony before, you testified that an offer was made by Mr. Reichman of \$15, \$10, and \$5 to the clerks in the precincts returning the highest votes for Mr. Catlin—\$15 each on the Republican ticket?—A. No; I don't believe I testified that way.

Q. That is the way you testified, and it is so reported.—A. No; I did not say those prizes were for clerks.

Q. Who were the prizes for, then?—A. I don't know.

Q. And you saw what the newspapers said quoting you?—A. The papers said that I said they offered prizes for election judges and clerks for the highest votes for Catlin.

Q. And you did not say it?—A. No; I did not.

Q. Do you know of any prizes having been given to anybody in that district?—A. No.

August Borcharding, who also testified in support of the charge, stated on cross-examination that the suggestion made was that prizes be given to precinct committeemen getting out the highest vote for Catlin and not to judges and clerks. These two witnesses gave all the testimony that was given in support of the charge. I may say the testimony shows that the present committeemen met with the judges and clerks of election on the Saturday before election at the courtroom of Justice of the Peace George Reichman. Judge Reichman, committeeman of the third ward, first gave instructions to the judges and clerks and afterwards to the present committeemen. While these instructions to present committeemen were being given, Henry Pins, a committeeman, in a "joshing" way suggested that prizes should be given to the precinct committeemen securing the highest number of votes for Catlin. Now, there is considerable distinction between prizes for precinct committeemen and prizes to judges and clerks of election. One would be lawful; the other unlawful. As a matter of fact, no prizes were offered to anybody. Pins says the suggestion was made in a "joshing" way, and his testimony is corroborated by others present at the meeting. A man by the name of Olson, another by the name of Linnemeyer, and two others, all of whom testified that this suggestion was made by Pins in a "joshing" way and referred to precinct committeemen and not to judges and clerks. So that this charge of bribery of judges and clerks in the third ward

absolutely fails. There is nothing to it. It is disproved by the great preponderance of evidence. Even the men who testified to it in the first place on cross-examination took back everything they had previously said.

Mr. LINTHICUM. Did not Mr. Evers and Borcharding testify to the offer of prizes to judges and clerks?

Mr. ANDERSON of Minnesota. On direct examination, but they took it back on cross-examination.

Mr. LINTHICUM. But they testified that on direct examination.

Mr. ANDERSON of Minnesota. Yes; they did.

Mr. LINTHICUM. And also testified Mr. Catlin was present at the time.

Mr. ANDERSON of Minnesota. Yes; but they took it back. I can not say they took back what they said about Catlin being present, but Catlin himself swears that he was not present. They did take back what they said with respect to prizes being offered to judges and clerks, and unquestionably the preponderance of evidence shows that the prizes, if offered at all, were offered to committeemen and not to judges and clerks.

Mr. LINTHICUM. It is not a further fact that it was Mr. Reichman, who is called a judge, but he was a justice of the peace, who offered these prizes?

Mr. ANDERSON of Minnesota. He did not offer the prizes, and there is no testimony to that effect.

Mr. LINTHICUM. Did not some of these witnesses say he offered prizes?

Mr. ANDERSON of Minnesota. If they did so they took it back, as the cross-examination shows. Now, along the line of the charge of corruption occurring in the third ward—

Mr. AINEY. Will the gentleman yield for a question?

Mr. ANDERSON of Minnesota. I would like to get through.

Mr. AINEY. This is right along the inquiry made. Was there any evidence in the record that any prizes were actually paid?

Mr. ANDERSON of Minnesota. Absolutely none. It is not claimed by anyone that prizes were paid. The only claim made is that prizes were offered.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. ANDERSON of Minnesota. I will proceed for 15 minutes more.

There was another charge of bribery which, it is alleged, effected the vote in the third ward.

This was the attempted bribery of Thomas J. Leonard. The testimony shows that one Carten, in company with a man by the name of Thomas J. Leonard, met one Doc Reynolds on a street in St. Louis some time during the campaign. Carten stopped to talk with Reynolds, but Leonard proceeded on out of hearing. Reynolds asked Carten if he was working for Gill, and he said "no." Then he asked Carten if Leonard was working for Gill, and Carten said he did not know. The rest of the conversation was to the effect that Carten asked Doc Reynolds what there was in it for Leonard if he would get out and work for Catlin, to which Carten alleges that Doc Reynolds replied, "Four or five hundred dollars."

Now Doc Reynolds sleeps on a bleak hillside, under 6 feet of sod, in the State of Missouri. He slept there when this testimony was taken, his lips sealed by the angel of death. I do not know who he was, and I do not care very much who he was; but the fact remains that he could not be produced to meet the slanders that Carten brought against him. Carten, so the evidence shows, within two years prior to giving this testimony, was an inmate of an insane asylum, located a short distance outside the city of St. Louis, as a result of hard drinking.

Leonard swears that he did not hear the conversation between Carten and Reynolds; that all he knew of it was what Carten subsequently told him. All agree that nothing was ever done in consummation of the conversation, if it actually occurred.

Personally, I believe that Carten deliberately lied. I do not believe that there is a word of truth in his testimony. I do not believe that any man who reads the record can come to the conclusion that he speaks the truth. I do not believe that he told the truth. On the contrary, I believe that he deliberately lied, and lied because he knew the man against whom he lied could not be produced to tell the truth.

But even if we should accept the testimony at its face value, it does not prove that any man was bribed in the election or that any vote was corruptly cast by reason of the offer that was made. So that the proposition of the majority of the committee to throw out this ward is absolutely absurd on its face. There is nothing to it.

Mr. RAKER. Mr. Speaker, will the gentleman yield to a question there?

Mr. ANDERSON of Minnesota. Yes; but make it very short.  
Mr. RAKER. Yes. I have read this from the gentleman's report, and I would like to get correct information upon it: "It is nothing but a limitation upon the amount that the candidate may expend out of his own money."

Mr. ANDERSON of Minnesota. I have already gone over that.

Mr. RAKER. I know that. It is suggested also that there is no limitation upon the committee?

Mr. ANDERSON of Minnesota. Absolutely none.

Mr. RAKER. The question I desire to ask is, Was Kirby a member of the congressional committee?

Mr. ANDERSON of Minnesota. He was not. As I said before, what was contemplated by the law was that the congressional committee or any other persons who associated themselves together in the interest of the candidate should be considered as a committee. All that was required of any of them was that, on the demand of five electors, they should make a statement of expenses. That was all that was required of Kirby. The demand was never made, and Kirby's failure to file a statement in any event could not affect in any way the election of Catlin.

Now, in the eighteenth ward, they charged the corruption of William J. Sheehan and others. William J. Sheehan was a former Democratic committeeman of the eighteenth ward. He was succeeded by a man by the name of Byrne, I think, after a very bitter fight. There is evidence in the record of a great deal of feeling between Byrne and Sheehan, which largely accounts for the action of Sheehan in this particular instance.

Now, it is claimed that Hank Weeke, who was the Republican member of the congressional committee for the eighteenth ward, was seen to drive up to a polling place, take out of his pocket a wallet, and hand to William J. Sheehan a bunch of bills; that afterwards Sheehan gave \$5 to a fellow named Murphy, and \$2 to John C. Russell, with instructions to go and work for Catlin and Miller, Miller being, as I remember, a Democratic candidate for judge of the court of criminal correction. There is absolutely nothing in the record which shows the character of the transaction between Sheehan and Weeke. For all that the record shows, Weeke may have been paying Sheehan a debt. Nothing is shown to the contrary. There is absolutely nothing to connect the money that Weeke gave to Sheehan with Catlin.

Again there is no effort to follow the money which Weeke gave to Sheehan in order to show what Sheehan did with it. The only evidence is that Sheehan did give to those men—Thomas Murphy and John C. Russell—\$5 and \$2, respectively. I want briefly to refer to the evidence of these two men. Murphy testified on cross-examination as follows:

Q. You were not induced by the \$5 to vote for Mr. Catlin and Mr. Miller, were you?—A. No; he told me when he gave me the \$5 to go and work for Mr. Catlin and Mr. Miller and get all my friends.

Q. You did that, did you?—A. No, sir.

Q. Then you were not corrupted by it, were you?—A. No.

Q. It did not influence you to vote for anybody, did it?—A. No.

Q. And you took his money and never told him you would not do it?—A. I never told him anything. I accepted his money and bid him good-by.

Q. And used the money yourself?—A. Yes.

Q. You did not let him know you thought he was doing anything wrong in giving you the money?—A. I never told him anything at all. I just accepted it. I always do. I never refuse money.

[Laughter.]

From which I think is a fair inference that Mr. Murphy is not only a financier, but a philosopher, and that he was not corrupted. The testimony of Russell was to the same effect. He had already voted when he got the \$2 from Sheehan. He testified that he had voted for Gill. In fact, both of these men voted for Gill. Neither one of them ever did vote in consideration of the payment that was made by Sheehan to each one of them. So it seems to me that that charge absolutely falls, especially in view of the consideration which is involved in the relationship between Byrne and Sheehan, which would make Sheehan have it in for Gill, because the Byrne faction, assisted by Gill, ousted Sheehan from the position of committeeman in that ward.

Now, there is a charge of intimidation. Singularly enough this incident took place in the twenty-sixth ward. It is the only instance of intimidation suggested in this case. It appears that Arthur Davis, who, it is claimed, was under indictment, though the record does not show it, came with five other men to the third precinct of the twenty-sixth ward and asked for ballots, which were given, and they went into the booths. Subsequently Arthur Davis was found in the booth with a fellow by the name of Redding. The judge of election immediately told him he must not do that; that he must get into his own booth, indicating the care with which the judges of election enforced the law in that precinct.

While they were marking their ballots, I. Joel Wilson, who was then assistant prosecuting attorney of the city of St. Louis, stood in the door, and Davis, having marked his ballot, brought it over and asked Wilson if he wanted to see it, to which Wilson replied "no." Then the five of them proceeded to cast their ballots, taking them over to the judges, who put them in the ballot box. That is the sum total of the evidence in that instance. The substance of the charge is that the presence of Wilson was intimidating to these men, although it is shown by the evidence that his presence there was accidental, or casual, at least. It is claimed that it especially intimidated Arthur Davis, who, it is said, was under indictment. It is not claimed that anyone of the men did not vote, because the record shows that they all did vote. It is not shown that a single other person was prevented from voting by Wilson's presence. There is absolutely nothing to the charge.

But if there were anything to this charge it would furnish a basis for throwing out the twenty-sixth ward and not the third and eighteenth. Of course, the majority of the committee do not suggest throwing out the twenty-sixth because of this alleged act of intimidation occurring there, for the very obvious reason, and I presume from their viewpoint it is a good one, that Gill had a majority in that ward. Of course, if Catlin had had the majority this would have furnished the same basis for throwing out that ward that it furnishes in the third and eighteenth wards.

I shall not go further into the action of the committee in throwing out these two wards, except to refer briefly to what is said in the minority views with reference to the case which the majority have cited in support of their action.

Everyone who was here during the famous Horton-Butler contest and the famous Wagner-Butler contest knows that there were developed in those cases conditions of bribery, corruption, and conspiracy the like of which has perhaps never before been found in any election.

I want just briefly to refer to some of the frauds that were found in the Wagner-Butler case, relied upon by the majority of the committee in this case as the precedent for their action. In that case it was shown that a gigantic conspiracy existed between the candidates, the judges and clerks of election, and the precinct workers. In the first place, in the Wagner-Butler case the House and the committee only rejected the precincts in which specific fraud, tainting the entire election in the precinct, was definitely proved. They did not attempt the wholesale elimination of entire wards, as the majority here propose. In that case actual conspiracy to defraud, which included election judges, election clerks, precinct workers, and the candidate himself, was found by the committee. No such conspiracy is even charged in this case. There were organized gangs of repeaters; organized gangs intimidating voters; and in many instances actual violence.

Fraud was found in 63 out of 116 precincts, and as to 41 of these precincts the committee found, after an actual investigation and recount of the ballots themselves in each precinct, it was impossible to determine the true and lawful vote, and therefore the returns from these precincts should be rejected. In the Wagner-Butler case registered letters were mailed to the registration addresses of 25,179 voters. Of this number 12,608 were returned with the indorsement that the parties could not be found at the addresses given. Of the 25,179 names appearing on the officially published registry list, 16,045 did not appear in the city directory. The majority further said in that case that 4,669 of the registered letters bore the indorsement that the parties to whom they were addressed had "removed." Of this 4,669 names, 245 graced the pages of the St. Louis city directory; 425 persons voted in one ward where 205 were registered; 676 voted in another ward where 169 registered. In all, although the law of Missouri expressly provided that no person should vote who was not duly registered, in the 63 precincts referred to 3,017 ballots were cast for Butler and 636 for Wagner by persons whose names did not appear upon the official registry list.

In other words, there were over 4,000 ballots cast by persons whose names did not appear on the registry list. Think of that in comparison with the 31 names alleged and proved in this case to have been cast by persons who could not actually be found at the addresses from which they were registered.

A further comparison of the Wagner-Butler case shows that in one precinct 25 ballots were cast for which there was no corresponding registration, all of which were counted for Butler. In another 45 names were voted and counted twice for Butler and one was voted and counted three times for Butler. In other words, so open was the fraud in that case that the persons repeating did not even take the trouble to vote under other names. They voted twice and three times under the same name.



In another precinct 77 ballots were missing, although the registry lists showed them to have been cast. In this precinct Butler received 237 votes and Wagner 21. In another precinct 62 persons appear to have voted whose ballots were not found in the box. In yet another precinct, 488 persons appear to have voted. Of this number 472, including 45 repeaters, voted for Butler and 14 for Wagner. Three hundred and thirty-two persons voted in this precinct whose names were not on the official registry list.

These are but samples of the frauds that were found in every one of the 41 precincts rejected in the Wagner-Butler case.

By comparison with the case which we have under consideration, it seems to me that the frauds proven in the Wagner-Butler case demonstrate absolutely that the facts alleged, proven, and unproven, in this, admitting them all, are not sufficient to warrant the action suggested and proposed by the majority.

Now, I anticipate before we get through this case that some one will suggest that we are authorized to disregard the law and vote on the basis of our own consciences and our own judgment. If we applied the same rule to the conduct of human action everywhere we would be a Nation without law and a people without fixed responsibilities. If every man's conscience was perfect, if every man had implicit faith in other men's consciences, liberty and government might be automatic, and we might expect justice to be automatically the result of government. But so long as men fear others, so long as they fear themselves, as long as they square their actions by the rule of supposed public sentiment, as long they clothe themselves in the cloak of assumed virtue, they will find it necessary to lay down definite and fixed rules by which human conduct shall be judged. We who are assuming the rôle of judges, laying aside our legislative capacity in this case, must judge it upon the law as we find it. We are not warranted here in making law. Theron Catlin was elected under the laws of the State of Missouri, and by those laws he is entitled to have the legality of that election decided.

As I have stated before, I am not defending him because I take the position of the juror who says "I believe the cuss is guilty, but they have not proved it." I do not believe they have in this case placed the stain of guilt upon the hands of Theron Catlin or traced guilty knowledge to his bosom. So far as I can find—and I have read the record with great care—there is absolutely nothing in the case which warrants the drastic, partisan, prejudiced action proposed by the majority. Beside the action which is proposed in this case the steam roller is a toy wagon. I do not believe that there was ever in this House an action proposed which had behind it as little of actual facts, of actual proof, as this case has behind it; not one. I feel that we who are assuming the rôle of judges ought to act as judges—impartially—laying aside partisan prejudices and partisan feelings, to do justice in the case as we find it upon the facts. [Applause.]

Under the leave to print extended in connection with the debate in this case I desire to place in the RECORD excerpts of the testimony as to the specific charges of fraud, bribery, and corruption charged by contestant. The evidence is as follows:

#### WHAT HAPPENED AT DUBLIN, N. H.

Daniel Catlin, being duly sworn, testified as follows:

Direct examination by Mr. Early:

Q. You may state your full name, please?—A. Daniel Catlin.

Q. What is your age, Mr. Catlin, and place of residence?—A. I am past 73; my residence is No. 21 Vandeventer Place.

Q. How long have you lived in the city of St. Louis?—A. Over 60 years.

Q. Where were you in the summer of 1910?—A. At my summer home in Dublin, N. H.

Q. What time did you go to your summer home at Dublin, N. H.?—A. The fore part of June. I don't know the date. Perhaps the 8th or 10th; somewhere along there.

Q. And when did you return to St. Louis?—A. Well, I don't know the date, but somewhere along about the 18th or 20th of October.

Q. Were you in Dublin, N. H., during that entire period?—A. I was there all the time.

Q. Did you meet Mr. Dan Kirby during your stay at Dublin, N. H., in the summer of 1910?—A. He was up there; yes. He was up there visiting my son, who has a house near me.

Q. What is your son's name, on whom Mr. Kirby called at that time?—A. Daniel Kaiser Catlin.

Q. Did you have any conversation with Mr. Kirby with reference to the matter of the approaching campaign?—A. I did.

Q. State, if you please, what that conversation was.—A. I spoke to him about my son's campaign. I told him I regretted that he was going to run.

Q. That is, for what office?—A. For Congress.

Q. In the eleventh congressional district?—A. In the eleventh congressional district.

Q. Was there anything said with reference to the approaching of registration day by Mr. Kirby to you?—A. He said that he thought it was a good thing for him to run; that it would give him a chance to mix up and get acquainted with the people in that district, and it would be a benefit to him.

Q. Well, was there anything said about the prohibition issue, and the necessity of getting out a large vote—a large registration?

Q. State, as nearly as you can, the conversation that took place between yourself and Mr. Kirby at the time that you mention, at Dublin, N. H., relative to this subject concerning which you have been speaking?—A. Mr. Kirby said that it was an off year, and it was very essential to get out a large vote all over the State and city; that there was some question of prohibition, and that he thought it was a very dangerous thing; that out in the State they seemed to have gone wild on the subject. I asked him if he thought there was any danger of its carrying, and he said there was.

Q. State all that was said, as nearly as you can recall.—A. I told him that I was very much interested as I was a large property holder in the city of St. Louis, and if prohibition carried, it would be a detriment to the whole State, and there would be a depreciation in property and everything that I had here.

Q. Do you recall anything further in regard to the wisdom of getting out a full vote at this particular time?—A. He said that it was very essential to get out all the German vote; that wherever you find a German, whether he was a Democrat or Republican, that he was against prohibition.

Q. Do you recall anything further that was said?—A. He said that he thought by getting all the Germans registered it would be a help to defeat prohibition in the city of St. Louis.

Q. Was there anything said by Mr. Kirby with reference to rendering any assistance to your son Theron in his campaign at this particular conversation?—A. He said it would require money to hire men to bring out the vote; to get them to register. That is about the sum and substance of what he said in regard to that.

Q. Was there anything said by Mr. Kirby as to his doing anything himself in regard to this matter?—A. He said that he would look after it himself.

Q. Had you had any active experience in politics prior to that time in the way of being a candidate for office, or anything of that kind?—A. I never have been a candidate for office in my life.

Q. Had you taken any interest in political campaigns?—A. There is not a Republican campaign that has been held in the city of St. Louis for the last 40 years that I have not been a contributor to it. There has not been a congressional campaign in the city of St. Louis, either in the tenth or the eleventh district, that I have not contributed to and used all my influence to carry it for the Republican Party.

Q. Where was your son Theron, if you know, at this particular time, Mr. Catlin?—A. He was in St. Louis.

Q. Was he in Dublin, N. H., during the summer of 1910?—A. Only early in the month of July.

Q. About how long did he remain?—A. I think only about two weeks. I don't recollect exactly, but it was a very short time.

Q. In this conversation with Mr. Kirby you mentioned the matter of employment of people to get out the registration and expenses in connection with the campaign. Was there anything said as between yourself and Mr. Kirby at that time in reference to the question of expenditures which might become necessary in getting out the registration and in the subsequent campaign in the event that your son was nominated for Congress?—A. Yes, sir.

Q. Now, just tell us, as nearly as you can, what was said on the subject.—A. He said that he would look after the campaign—that is, the money part of it. I told him that I would under no circumstances pay one dollar to any ward politician in St. Louis, but having known Mr. Kirby for a number of years as an honest man, I had implicit confidence in what he would do, and he volunteered to see that what money I put up was properly expended to bring out the vote, and see that it was properly registered, and to advertise my son in a proper manner as a candidate for Congress, in case he would run.

Q. Was anything said as to the amount that it might become necessary to expend, during any part of your interview with Mr. Kirby?—A. Well, he told me—as near as I can recollect—he said that to run a campaign for Congress the minimum was about \$7,000, and he asked me if he should ask my friends to contribute toward that amount. I told him no, that I could afford to pay for it, and I didn't want him to receive a dollar from the general congressional committee or any individual or friend of mine or of Theron's.

Q. Well, what, if anything, did you do after that with respect to paying over money to Mr. Kirby for the purposes which you have mentioned?—A. He told me that when he got home he would start men out to see that they were properly registered; that he had had a good deal of experience in politics, and knew that I had none, and he would see that the money was properly expended.

Q. About how long have you known Mr. Daniel N. Kirby?—A. Oh, intimately, I should say for about 12 or 15 years. He was a frequent visitor at the house. I had known him socially.

Q. Now, after that time did Mr. Kirby make any calls upon you for contributions?—A. I told him that any money that he wanted for legitimate purposes that I would pay, and that when he got home he could call on my son D. K., who would give him what money was needed, or what money he asked for, up to a certain amount. There was not any amount mentioned, but I supposed by that that the limit would be somewhere about \$7,000.

Q. You mentioned "D. K." Do you mean your son D. K.?—A. Yes, sir; Daniel Kaiser Catlin.

Q. Did you have any further conversation with Mr. Kirby relative to the manner in which any moneys that you gave would be expended that you recall?—A. I told him that under no circumstances would I spend one dollar for any illegitimate purposes; that I would sooner see my son in overalls, stemming tobacco, as his father had done before him, than to be elected by a dishonest and corrupt vote.

(Direct examination.)

Q. Will you tell us, in your own words, as fully as you can, all that was said at that conversation concerning the subject mentioned?—A. Mr. Kirby and myself went over to call on my father and his family. I do not remember whether we saw the other members of the family first or not, but toward the end of our visit, Mr. Kirby, my father, and myself were alone; and in the course of our conversation we discussed my brother's candidacy for Congress in a general sort of way. Mr. Kirby asked—I do not know that he asked, but he referred to the fact that neither father nor myself had ever taken any active part in politics, and that we were more or less ignorant and inexperienced in political matters. He then volunteered, in view of this fact, to offer his services in furthering my brother's candidacy for Congress and doing whatever he could to promote his interests. He told my father and me that at the coming election it was likely that the question of prohibition would come up, and that in his opinion it was important to get out a full registration in order to defeat that movement. He thought it would be detrimental to the State to have it go prohibition, and especially detrimental to St. Louis. My father agreed fully with what Mr. Kirby said with respect to that and felt, inasmuch as he was a large property holder in St. Louis, that he himself was personally interested



in the movement. And he told Mr. Kirby that he wanted him to use every proper and legitimate effort to get out the registration, whether they were Democrats, Republicans, or German, or Irish, or any other nationality. He wanted the election to represent the true voice of all the people on such an important matter as prohibition was. Father told Mr. Kirby, as I remember it, also, that he had always contributed toward the various Republican campaigns in St. Louis, and that naturally also he wanted to contribute toward his son's; that he appreciated Mr. Kirby's offer, and that he was accepting it because he had the utmost confidence in Mr. Kirby's honesty, integrity, and judgment. He knew that if Mr. Kirby spent any of the campaign money for any purpose that purpose would be one which was both proper and legitimate.

Q. Was there anything said concerning the matter of soliciting contributions from the friends of your father to a fund for promoting the campaign of your brother, the contestee?—A. There was.

Q. What was said on that subject?—A. Mr. Kirby asked my father if he would like him (Mr. Kirby) to solicit contributions from my father's friends and from some of the more influential voters in my brother's congressional district. My father said that he would not; that he felt he was able to pay for the proper and legitimate expenses of my brother's campaign himself, and he did not wish to be indebted to his friends for aiding his son in the campaign.

Q. Was that all of the conversation that you recall which occurred at that time?—A. I think that is the sum and substance of it. I do not remember anything more that was very material.

Q. Where was your brother, Theron, at the time that this conversation occurred?—A. He was in St. Louis.

Q. Was he in Dublin, N. H., at all during the summer of 1910 or fall of that year?—A. He was.

Q. About what time was he there?—A. It was in the early part of the summer; I think early in July—the first part of July.

Q. About how long did he remain?—A. I think about a fortnight—10 days or a fortnight. I do not remember the exact number of days.

#### HOW THE MONEY WAS SPENT.

Daniel N. Kirby, being duly sworn, testified as follows:

Direct examination by Mr. Barrett:

Q. Please state your name, residence, and occupation.—A. Daniel N. Kirby; 4142 Morgan Street is my residence—St. Louis; I am a lawyer, a member of the firm of Nagel & Kirby.

Q. How much did you contribute to the congressional committee of the eleventh district, Mr. Kirby?—A. I made no contribution—I spent no money for Mr. Catlin as agent or representative in any way. The money that I referred to in the last answer, and all money that I handled or spent, was spent not as the agent or representative, but because of the fact that I had volunteered to some of his friends to see that any money which was expended by them, voluntarily on their part, was properly disbursed for the proper purposes. I contributed in that way about \$1,400 that went to the congressional committee of the congressional district. That is my recollection.

A. I will try to classify in answer to your question, the purposes—the different kinds of purposes—for which I spent the money, in furtherance of Theron E. Catlin's campaign. My plan was to introduce him as widely as possible to the voters in that district—advertise him as extensively as possible—and to further that purpose I employed a press agent, whose work was to write up the press notices and write up the advertisements and to see the different political editors of the various newspapers, so as to see that the notices were inserted, so far as he could get them inserted, advertising Mr. Catlin's candidacy, and the meetings that Mr. Catlin held or attended, and the speeches that he would make, and any political gossip that was going around that was favorable to his candidacy. Do you want to know what that cost me?

Q. Yes; you may state the cost of that.—A. Well, I paid the press agent, the man that I employed—I paid him about \$400.

A. I paid out for the posters—and all these other kinds of advertising, outside of the newspapers advertising—posters and cards and dodgers for ward meetings, and advertising like that, not advertising in the newspapers themselves, about \$350.

Q. Now, Mr. Kirby, what was the cost of these transparent slides and the amount that you paid to the various picture shows for displaying the slides on their curtains?—A. I have no recollection as to the number, but to the best of my recollection as to the amount, I think it was over \$50.

Q. Now, can you give the names and amounts paid to any persons to defray the expenses of ward meetings?—A. No, I don't remember, except to this extent: I remember in one case I paid about between \$50 and \$54 or \$55 on a printing bill which had been incurred by a ward organization in advertising the different candidates on the Republican ticket, including Mr. Theron E. Catlin.

Q. Did you pay any money to any member of the congressional committee, in the eleventh district other than the amount that you contributed to the organization, through its treasurer?—A. Yes, I gave money to the Republican city committeemen who represented the different wards which had precincts in the eleventh congressional district; I did that with specific instructions as to what they were to do with it; before I gave them the money I called them together and told them that I was going to represent some gentlemen who were interested in promoting the candidacy of Theron E. Catlin, and I told them that I did not represent Theron E. Catlin's candidacy, and I would not represent him. I told them that I would have certain money to spend, and that I was going to determine the amount that would be spent; that I had had experience in politics, and I was chairman—I told them this—of the executive committee of the precinct organization in my own ward, and had been for a great many years, and I know what it cost to conduct a campaign properly, and I told them there was not going to be any barrel tapped in promoting Mr. Theron E. Catlin's campaign for Congress in the eleventh congressional district; and that there was not going to be a dollar spent by me or through me except for the purposes which I considered proper and in amounts which I considered reasonable for the needs and the proper conduct of the campaign in that district; I told them further that I intended, in working with them as committeemen in the different wards, to furnish a reasonable amount of money to meet what I regarded and would regard from time to time as the reasonable needs of the district for the purpose of properly advertising the candidate, but that I was not going to throw away any money, and that I was not going to buy a single vote, and I was not going to make any trades, and that I did not want anybody who worked with me or traded under me to do anything of that kind. I told them that the candidate would rather be defeated than to have any-

thing done on his behalf that might—or by anyone else, who was trying to help him—of which he would be ashamed afterwards if the fullest possible light was thrown on it. And then I took up with them the amount which I was willing to hand to them at that time as committeemen in charge of the different wards for the purpose of seeing that a full vote was registered. I had previously had instructions from Mr. Daniel Catlin, father of the candidate, Theron E. Catlin, to spend money with reference to registration, without regard to whether we were sure that the people who registered were Republican voters or not. We figured, and it was our judgment—I told the father of the candidate that the fuller registration we could get out, especially in view of the fact that the campaign for State-wide prohibition was on, and that the district was full of German-American citizens, most of them who liked their glass of beer, and did not want to be denied the privilege of getting it when they wanted it—that I thought the more of the stay-at-home—the ordinary stay-at-home—vote we could get out in the district and get registered the more would be the Republican gains, and the result proved that my estimate was correct. For the purposes of registration I turned over money to the Republican committee, who represented the different wards which had precincts in the eleventh congressional district. I turned over to them, and used in that way, approximately \$1,300.

Q. Will you state the amount that you gave to each committeeman for that purpose?—A. No; I can not tell you the amount that I paid each committeeman.

Q. Can you state the aggregate sum that you gave to them?—A. I can give you, with a fair degree of accuracy, what the total amount was that I spent in that way; I can not tell you the total amount that I gave to any one committeeman.

Q. Well, give the aggregate amount.—A. I gave—paid—to the different members of the city committee, for the purpose of employing workers, who were to work for Mr. Catlin's campaign on election day, about \$2,400; I figured that, from my own experience, in my own ward, as I had worked different parts of St. Louis, that in order to get out the Republican vote properly, and canvass all the precincts properly, during the whole of a long election day, it would take an average of from three to four, and in some precincts perhaps five men; on an average say four men to a precinct that would do the work thoroughly, because I gave instructions that the work was to be done thoroughly; that I wanted the workers on election day to compare the registration lists, of which they could get copies, with the names of the men who voted, as the men voted, so as to keep an account of the Republican voters in the district who had not voted, and then to go from house to house, and telephone, and do everything else they possibly could to get the Republican registered voters to come in and vote at the polls on election day. My instructions, when I paid the ward committeemen, and the men for the doing of the work, was substantially the instructions that I gave them at the time of the registration. I told them I would not spend a dollar for the purchase of a vote, and would not spend a dollar for the making of a trade—trading votes—and I would not sanction or permit the trading of any votes; that I would not spend money for anything except printing bills, and other bills, where we had to buy materials, or rent halls, or hire bands, etc.—I would not pay for services of any kind, except actual work being done in the canvassing of the different precincts, and paying men for taking their time to actually do the work.

Q. What was the sum of money that you paid to the city congressional committeemen for the distributing of those flags? First, I want to know what it cost for the flags, and then the sum of money which you contributed to the committeemen; that is, the congressional committeemen, who were also city committeemen; you understand that? That the congressional committeeman is a city committeeman—they are the same?

Q. About how much?—A. The flags cost me \$700; I can't give you that—you asked that—but I can't give you even approximately the amount of that, because I was never informed of exactly how much of the money I furnished to those committeemen from the different wards, for that and other purposes, was, in fact, used for that purpose.

Q. How much did you contribute to the committeemen for the purpose of distributing the flags, and other purposes, that you have suggested?—A. I paid them about \$2,300 in all, for all of the labor, all of the work, all of the campaign, and visiting work which was done between the registration day and the election day. The distribution of flags was not the only work or service for which I needed the help of the workmen in every precinct in the different wards. Our plan of campaign was to have the candidate, Mr. Theron E. Catlin, actually meet in person just as many of the voters in his congressional district as he had time to meet. I thought the best way in which he could meet those voters, and make friends with as many as he had time to meet, would be by going through the congressional district.

Q. Now, Mr. Kirby, did you pay out any other sums of money for any other purposes at any other time than those that you have already detailed in your testimony?—A. Yes; I paid for advertising in the newspapers, in entertainment programs, in church programs—church fair programs—in the negro newspapers, the Jewish newspapers, in the Bohemian newspapers, the Russian newspapers—if there is any other kind of newspapers they escaped me—I don't know it. Up there in that district, in the different parts of the district, those papers all circulate, I believe; and I used them, with the exception of the large morning dailies in St. Louis; I have no recollection that we advertised in them; our advertisements in them were through the services of Mr. Lewis, who was the press agent who wrote the notices for that and the political notes, rather than what was in the advertising column. Now, altogether, for newspaper advertising of that kind, I spent about a thousand dollars.

Q. How much did you pay Mr. Haller?—A. I paid Mr. Haller altogether for that, and some other painting—I think he painted some signs or banners—some other signs in addition to the portrait—my best recollection is that it was \$70 or \$80; the total amount that I paid him for all of that headquarters' work, the signs and banners and lights and so forth, at headquarters was about—well, \$300 or \$350. Not in excess of \$350.

Q. Now, Mr. Kirby, did you expend any other sums of money out of this fund?—A. Yes; I spent money for the hire of automobiles on election day for the use of the committeemen in the different wards.

Q. That is to say, you paid each one \$25?—A. Yes; I paid them \$25—allowed them that for hiring automobiles. Q. That would be \$225 all told?—A. Yes; about \$225 or \$250. I think there was one of them who wanted two, I am not quite sure about that, Mr. Barrett; I know one of the committeemen asked for two; whether it was in the twenty-sixth or twenty-seventh ward, I don't know—where the votes are more scattered, and the precincts and voting places are far apart, where we found it most congested, be-



cause of the fact that the voters had moved in in great numbers—they had 1,600 or 1,700 voters in some of the precincts, and there was a long distance to cover; I know one of the men said that he would want two. Whether he got two automobiles or not I don't remember; I spent altogether about \$250 for automobiles.

TESTIMONY AS TO LACK OF KNOWLEDGE ON THE PART OF THERON E. CATLIN AS TO HIS FATHER'S EXPENDITURES.

Theron Catlin. Cross-examination, by Mr. Barrett:

Q. You don't know what transpired in the meeting?—No, sir; I do not—father and I left.

Q. Sir?—A. I don't know.

Q. Did they tell you anything about it?—A. I never heard a thing about it.

Q. Never heard a thing about it?—A. No, sir.

Q. Did your father or brother ever tell you anything about the amount of money they expended?—A. Never mentioned it; I never knew a thing about it until it came out.

Q. Did you sister say anything to you about the money?—A. No, sir; it was never mentioned.

Q. And the members of your family, except your brother, Daniel K. Catlin—they were all at this meeting that was held in your house?—A. At this meeting my father and mother and sister were there.

Daniel Catlin, sr. Cross-examination, by Mr. Barrett:

Q. Any moneys that you paid out to your son on account of your son's campaign, have you charged it up against him in any way?—A. I haven't paid out any.

Q. Sir?—A. I haven't paid out any.

Q. Well, this \$10,000?—A. Oh, you mean that?

Q. Yes.—A. Why, no. It is charged up to me.

Q. I say, have you charged it up against your son?—A. Have I?

Q. Yes. In the nature of an advancement?—A. Why, of course, not. My son never would have heard that I had given this money if it hadn't been for this contest.

Direct examination of Daniel K. Catlin by Mr. Early:

Q. Was your brother Theron E. Catlin, the contestee in this case, present at any conversation between yourself and your father, or between yourself and Mr. Kirby, at which the subject of expenses of the campaign was mentioned?—A. He was not.

Q. Do you know whether or not the contestee, Theron E. Catlin, knew anything of these expenditures being made by Mr. Kirby at any time?

The WITNESS. No; he did not know.

Q. I ask you whether you know or not?

A. Of my knowledge they were never mentioned.

Direct examination of Irene Catlin Allen:

Q. Did you ever discuss with your brother at any time the expenditures?—A. With whom?

Q. With your brother, the contestee.—A. Before the election he told me he was only allowed to spend some several hundred dollars, and was going to stay well within that limit. That was the only time he ever mentioned money to me.

Q. How did that conversation arise, Mrs. Allen, between you and the contestee at that time?—A. It was before the nomination. He was talking about what he would have to do, and the speeches he would have to make, and so forth. I asked him if the campaign would cost money, and he said he was allowed to spend so much.

Q. How much did he say?—A. Some several hundred dollars; I do not remember—some four or five hundred dollars.

Q. That was the only conversation you had with him?—A. That is the only conversation relative to money I ever had with him.

Direct examination of Daniel Kirby by Mr. Barrett:

Q. During all this time, while you were spending this money in the furtherance of Theron E. Catlin's candidacy, you were doing it at the request and acting for the father and the brother of Theron E. Catlin. I understood you to say?—A. Well, I was doing it as a volunteer, having gone to them in the beginning, and having offered them my services, thinking that I might be of personal service to them, because of the fact that I knew that they were totally inexperienced in politics, that they had no idea of what the reasonable amount would be to expend for reasonable needs of the campaign, or spend it in the right way or for legal purposes, and I thought I could be of service to them, by helping them out to the extent of my judgment and experience, and in that way I would be of help to them; they accepted my voluntary offer of service, and after that time I spent their money to further the campaign.

Q. You were acting for them, for the son and for the father?—A. I was acting entirely for them and not for Theron E. Catlin, who was the candidate—with whom I had no relation of any kind during the campaign with reference to any expenditures of money, and as far as I know, and as far as my information goes, I do not believe he knows to this day just who contributed to his campaign, or what anybody contributed to his campaign—or just where I got the money.

Q. Did you receive any money from Theron E. Catlin?—A. Not a dollar.

Examination by Mr. Early:

Q. Was the subject of campaign expenses on the part of Theron E. Catlin ever mentioned by you, or by anyone in your presence, at a time at which Mr. Catlin was present?—A. No; at no time in the presence of Mr. Theron E. Catlin did I ever take part in or hear any conversation relative to campaign expenses.

Q. Did you ever say anything to Mr. Theron E. Catlin with reference to his consent in the making of any expenditures which you have detailed here to-day?—A. I did not.

Q. Have you ever discussed the subject of expenses with Mr. Theron E. Catlin at all during the campaign?—A. I never had; had no talks with him whatever on the subject.

Q. Did you have any way of knowing, Mr. Kirby, as far as you are aware, the amount of moneys which you may have spent in the time that you were expending them, or at any other time?—A. He did not.

Q. Did he ever ask you to represent him in any way in the matter of the conduct of his campaign?—A. He did not.

Q. Did you have any authority from him, in any respect, to do or not do anything whatsoever, from the commencement of his candidacy until after the polls had closed in November, in this election?—A. No, sir; nothing at all.

I want to qualify one of my last answers by saying that, as I testified before, I think once or twice throughout the campaign I did speak to him about subjects that I thought it would be well for him to discuss in the meetings when he made speeches campaigning through the district, to this extent—I asked him at different times how the campaign was coming on, and what kind of crowds attended the meetings, and what interest voters seemed to take in his campaign, but that is the extent of my talks with him.

Q. That is what you were doing, and all that you ever did was done at the instance and request of his father and his brother, Daniel Catlin and Daniel K. Catlin, and friends of Theron E. Catlin?—A. Yes; I represented, for the purpose of spending such money as they chose to hand me for that purpose, his father and his brother and Mr. Chester H. Kern, separately, without any agreement between them, as far as I know.

Daniel Catlin:

Q. Did you at any time tell your son Theron of your conversation with Mr. Kirby as to these expenditures?—A. I never spoke to him in my life—never spoke to him about it during the campaign. He knew nothing about it then, and he would not have known anything about it now only for this contest.

THE ATTEMPTED BRIBERY OF THOMAS J. LEONARD.

Thomas J. Leonard, being duly sworn, testified as follows:

Direct examination by Mr. P. T. Barrett:

Q. State your name, residence, and occupation.—A. My name is Thomas J. Leonard; I reside at 5581 Easton Avenue; I am 39 years of age.

Q. What is your business or occupation?—A. Liquor dealer; retail liquor dealer.

Q. Mr. Leonard, are you acquainted with Mr. Theron E. Catlin, the contestee in this case?—A. I have met him a few times.

Q. Did you meet him prior to the 8th day of November, 1910, or during the campaign for the election of Congressman of the eleventh district?—A. Well, I met him on election day, and possibly a week or 10 days or 2 weeks before that. While I wasn't in the party, I was right close to where Mr. Catlin was with a party of friends.

Q. Where did you meet him on the occasion that you refer to as 10 days or 2 weeks prior to the election?—A. Myself and Mr. Carten were walking up Easton Avenue, and there was a gentleman named Reynolds—I always knew him as Doc Reynolds—he halloed out that he wanted to see us, and I said I couldn't stop to talk to him, and I walked on. I didn't know Reynolds very well; just had a passing acquaintance with him.

Q. When was that?—A. Well, that was, I guess, about two weeks before election—10 or 12 days—I don't recall just exactly.

Q. Where was it?—A. That was at Francis and Easton Avenue.

Q. On the sidewalk?—A. Yes; on the sidewalk.

Q. What conversation was had there?—A. I walked away when the conversation was had. I walked on. I didn't stop at the place. Mr. Carten related to me something after he came on.

Q. Did you hear any of the conversation between Carten and Catlin?—A. No, sir.

Q. Or with Reynolds?—A. No, sir.

Q. Did Reynolds say anything to you?—A. Oh, nothing, only just "How do you do?" Something in that way; I just know him to talk to, that is all.

Q. Did Mr. Catlin say anything to you on this occasion that you refer to, about 10 days or 2 weeks prior to the election?—A. No, sir.

Q. Anything said about money?—A. No, sir.

Q. Was anything said about your working for or in the interest of his candidacy?—A. No, sir; nothing said, except what I learned through Carten.

Q. What did Carten tell you?—A. Carten told me that Mr. Reynolds would bring Mr. Catlin out some night—that he would like to meet me. I said, "Well, I couldn't agree to do anything like that. Gill is a poor man, and I am a Democratic committeeman."

Q. Was there anything said about money?—A. Yes.

Q. What was it?—A. Well, it was intimated that possibly I could get money if I wanted to make an engagement to work for Catlin.

Q. How much? Was any sum suggested?—A. Oh, yes. Mr. Reynolds said maybe there was \$400 or \$500 in it if I could get my ward club to go out and hustle for this fellow.

Q. Did the suggestion include the idea that you were to work for Catlin—that you were to vote and work for Catlin?—A. I wasn't near enough to hear what arrangements were spoken of.

Q. Did you accept the offer?—A. No, sir.

Cross-examination by Mr. Newton:

Q. Who is this Mr. Reynolds?—A. Why, Mr. Reynolds always lived in the old twenty-first ward. I don't know how you could identify him. He worked at one time in the license collector's office at the city hall.

Q. Does he live in that ward now?—A. I don't know where he is, only I saw him around Grand and Franklin Avenue or Spring.

Q. How long since you saw him?—A. I never saw him since that night.

Q. As to what the conversation was between the parties you don't know, except what Carten told you?—A. That is all.

Q. You didn't hear any conversation between them?—A. No; none at all?

Q. I want to ask you a question or two more. You say that you are the Democratic committeeman for the twenty-seventh ward?—A. Yes, sir.

Q. How long have you been Democratic committeeman there?—A. Well, I was first elected in the central committee some time in June or July, about, and I took charge of that ward. The ward was redistricted, and I was elected at the August primaries.

Q. What were you doing on election day? Did you go to any of the precincts?—A. I visited all the precincts; yes, sir.

Q. Did you leave any money there to buy dinners with for the Democratic judges and clerks?—A. I gave the precinct committeeman money to buy dinners with the night before election.

Q. How much did you give them?—A. I believe I gave them \$15 or \$20. I don't remember exactly the amount.

Q. \$15 or \$20 for the whole ward?—A. No; for each precinct; that is, to pay the challengers and buy the dinners and suppers for the precinct men.

Q. You gave them for that ward at least \$150 for the 10 precincts?—A. Oh, yes.

Q. To be used on election day?—A. Yes, sir.

Q. And \$5 of that was to go to the judges and clerks?—A. In some precincts it was all right to feed them and in some precincts it was not, and I left it to the committeeman. Some would buy the dinners and some the suppers; there were watchers and challengers and others, and there would be policemen there. I believe it was customary to feed them. There was altogether 12 men. In some places it was customary to buy the supper.

Q. Usually the Republicans paid for one meal for both parties and the Democrats paid for the other meal?—A. Yes, sir.

David Carten, being duly sworn, testified as follows:

Direct examination by Mr. Barrett:

Q. State your name, age, residence, and occupation.—A. David Carten, 5579 Easton Avenue. I am a painter.

Q. What is your age?—A. Thirty-five.

Q. Did you meet Mr. Catlin about 10 days or two weeks prior to the election of November 8, 1910?—A. Well, I met Mr. Reynolds; there were two or three gentlemen standing talking a few feet away; Mr. Reynolds wanted to know what I was doing down there, if I was working for Mr. Gill, and I told him no. He says, "Call Tom back," and I says, "No, we are in a hurry"—by "Tom" he meant Mr. Leonard; he says, "If you see Tom tell him there is about \$400 or \$500 in this thing if you see Catlin, and I want you to arrange a meeting for him."

Q. Was Mr. Catlin there at the time?—A. Well, I don't know Mr. Catlin.

Q. Would you recognize Mr. Catlin by his photograph picture?—A. Well, I don't know as I would.

Cross-examination by Mr. Newton:

Q. You say he wanted you to arrange with Leonard?—A. I say he wanted me to tell Leonard, to arrange with Leonard to meet Catlin.

Q. Tell us exactly what language he used, what he said.—A. I will tell you as near as I can. He wanted to know if I was working for Gill, and I said no, and then he wanted to know how Leonard was, and I told him I didn't know, and he says, "Do you think you could arrange for him to meet Catlin?" and I said, "I don't know," and he says, "Will you ask him," and I says, "Yes," and I says in a joshing way, "What is in it?" He says, "\$400 or \$500."

Q. You were joshing?—A. I said that to him in a joshing way. I says, "What is in it?" and he says, "\$400 or \$500."

Q. You said, in a joshing way, "What is in it?"—A. Yes.

Q. And he said "I guess \$400 or \$500"?—A. Yes.

Theron E. Catlin, being duly sworn, testified as follows:

Direct examination by Mr. Newton:

Q. What is your name?—A. Theron E. Catlin.

Q. Are you Congressman-elect from the eleventh congressional district?—A. I am.

Q. Do you reside in that district?—A. I do.

Q. Where do you reside, Mr. Catlin?—A. No. 21 Vandeventer Place.

Q. How old are you?—A. Going on 33—32 now.

Q. During the testimony of the contestant, one David Carten testified on behalf of the contestant in the case, and in that testimony he stated that he saw you with some man by the name of Reynolds, on Easton Avenue in this city, and he contended that Reynolds intimated that he would give a certain sum of money to Leonard, the Democratic committeeman; I will get you to state whether or not you ever read Carten's testimony.—A. Yes; I read Carten's testimony.

Q. I will ask you to state whether or not there is any truth in that testimony.—A. None whatever.

Q. I will ask you to state whether or not you ever met Carten or ever heard of him or knew who he was until this testimony.—A. Never heard tell of him or knew of him until he testified.

Q. Were you at any time during the campaign upon Easton Avenue, at Francis, or any other point on Easton Avenue with anybody by the name of Reynolds?—A. I was not.

Q. Was any offer ever made, directly or indirectly, to give Leonard, or any other Democratic committeeman, any money to help you in your campaign?—A. There was not.

Q. As far as you know?—A. Not as far as I know.

Q. Do you know Leonard?—A. I do not; I would not know him if I saw him.

Q. Now, do you know a man named Doc Reynolds?—A. I do not.

Q. Did you ever see him before the campaign, or did you see Doc Reynolds during the campaign ending November 8, 1910?—A. Who is Doc Reynolds?

Q. I ask you; don't you know him?—A. No, sir; I don't know him.

Q. Never saw him?—A. Not that I know of.

Q. Never were around during the campaign with Doc Reynolds?—A. Why, no.

Q. And you say you don't know Dave Carten?—A. I do not.

Q. You don't know Tom Leonard?—A. Tom Leonard, I see, testified that he met me in the legislature; if he did, I don't remember; I wouldn't know the man if I saw him.

Q. Did you ever hear tell of him in the campaign?—A. Yes; I went into his saloon once, but he wasn't there; I knew there was such a person.

Q. You knew there was such a person as Tom Leonard?—A. Yes.

Q. You wouldn't know Carten?—A. I never heard of Carten; never heard of the man until he testified.

George W. Rinkle; cross-examination by Mr. Newton:

Q. How long have you known Carten?—A. I guess 30 or 35 years. I have known him since a little boy.

Q. You knew him when in the saloon business?—A. Yes, sir.

Q. Did you ever know of his drinking?—A. I knew him when he was drinking.

Q. Knew of his drinking excessively a few years ago?—A. He did at one time.

Q. Don't you know he got to a point where he had to be taken care of because of his excessive drinking?—A. I knew he went to St. Vincent's at one time; I don't know that he went for that.

Q. That is an asylum?—A. I heard that he was taken there.

Q. Taken to an asylum?—A. Yes, sir.

Q. About how long ago has that been?—A. A couple of years ago.

Q. About two years ago?—A. Of course, not exact.

Q. To an insane asylum?—A. It is out about 2 miles west of Wellston.

Q. About 2 miles west of Wellston?—A. Yes.

Q. That is about 2 miles from where you live out there?—A. Yes, sir.

Q. Out in the country?—A. Yes, sir.

Q. That is a private insane asylum owned by some church or something?—A. I don't know how that is.

Q. But it is an asylum—an insane asylum?—A. Yes.

Q. Do you know how long he was confined out there?—A. I do not.

ALLEGED CORRUPTION OF WILLIAM SHEEHAN AND OTHERS.

Thomas Murphy, being duly sworn on behalf of the contestant, deposes and says:

Direct examination by Mr. Barrett:

Q. What is your name?—A. Thomas Murphy.

Q. You are a resident of the eighteenth ward?—A. Yes.

Q. When you were around on election day did you see any of the committeemen around?—A. Yes.

Q. Who did you see? State their names.—A. Mr. Weeke.

Q. Hank Weeke?—A. Yes.

Q. He is the Republican congressional committeeman for the eighteenth ward?—A. Yes.

Q. Where did you see him?—A. I saw him at Twenty-fifth and Dodder.

Q. Was anybody with him?—A. Well, yes.

Q. Who?—A. I can not say who was with him. There was, I ain't sure, two or three men in an automobile.

Q. Two or three men in an automobile who drove up to Twenty-fifth and Dodder?—A. Yes.

Q. Where were you?—A. Standing on the corner of Twenty-fifth and Dodder.

Q. Anybody with you?—A. Yes.

Q. You may state what was said and done and what happened.—A. Well, I saw Mr. Weeke get out of this automobile and he walked across the street to where Mr. Sheehan was. Mr. Sheehan was not talking to us.

Q. What Mr. Sheehan is that?—A. James J. Sheehan.

Q. Was he formerly Democratic committeeman for the eighteenth ward?—A. Yes.

Q. Was he a candidate for Democratic committeeman in the August primary?—A. Yes.

(Counsel for contestee objects to the question as leading.)

A. No, sir; I do not think.

Q. Was he candidate for committeeman in August and was beaten?—A. Yes.

Q. Go ahead.—A. And he, Mr. Sheehan, left us to walk over to him, just a few steps away, and I saw Mr. Weeke hand him some money.

Q. Hand Mr. Sheehan some money?—A. Yes.

Q. What did Mr. Weeke take out—did you see what quantity the money was?—A. Well, no, sir; I saw him take a pocketbook which was one of those long pocketbooks like.

Q. A long pocketbook?—A. Yes.

Q. Where did he take it; from the inside coat?—A. I never took notice. I saw the money given to Sheehan.

Q. Was it more than one bill?—A. More than one; looked like several bills.

Q. You could not see the denominations?—A. Yes.

Q. And then what did Weeke do?—A. Well, he left; went away in his automobile again.

Q. What, if anything, did Sheehan do?—A. Well, Sheehan just got us fellows together and talked to us to do all we could to work in any way we could for Catlin and Miller, and handed me \$5.

Q. Gave you \$5?—A. Yes.

(Counsel for contestee objects to this testimony and moves that it be stricken out on the ground it is not rebuttal testimony.)

Q. Who do you mean by us fellows?—A. McCaffery and John Russell.

Cross-examination by Mr. Newton:

Q. You took the \$5, did you?—A. Yes.

Q. Did you vote for Catlin and Miller?—A. No, sir.

Q. Then you were not corrupted by the \$5? Were you corrupted by that \$5?—A. I do not understand you.

Q. You were not induced by the \$5 to vote for Mr. Catlin and Mr. Miller, were you?—A. No; he told me when he gave me this \$5 to go and work for Mr. Catlin and Mr. Miller and get all my friends.

Q. You did that, did you?—A. No, sir.

Q. You did not do that?—A. No, sir.

Q. Still you took his \$5?—A. Yes.

Q. You knew at that time you would not do it and did not intend to do it?—A. Yes; I accepted the \$5. I did not work for them.

Q. Then you were not corrupted by it, were you?—A. No.

Q. It did not influence you to vote for anybody, did it?—A. No.

Q. Did you tell him when you were taking this amount of money and put it in your pocket and used it for your use at that time that you did not intend to vote for either of the men he asked you to vote or work for?—A. No, sir.

Q. You did not vote for either of them?—A. No.

Q. What did you say that Sheehan said to you when he gave you \$5?—A. He told me—he gave me \$5 and said, "Here, you go down and do all you can for Catlin and Miller."

Q. Miller was a candidate for judge?—A. Yes.

Q. Of the court of criminal corrections?—A. Yes.

Q. To do all you could?—A. Yes; and get all my friends to work the same way.

Q. Did he think you were his friend?—A. Yes.

Q. And you took his money and never told him you would not do it?—A. I never told him anything. I accepted his money and bid him good-by.

Q. And used the money yourself?—A. Yes.

Q. You did not let him know you thought he was doing anything wrong in giving you money?—A. I never told him anything at all. I just accepted it. I always do. I never refuse money.

Q. You take all you can get?—A. Yes.

Q. It does not make any difference what conditions are attached to it?—A. No, sir.

John C. Russell, of lawful age, being produced, sworn, and examined on the part of contestant, in rebuttal, deposes and saith:

Direct examination by Peter T. Barrett, Esq.:

Q. Your name?—A. John C. Russell.

Q. Where do you live?—A. 2341 University Street.

Q. What ward do you reside in?—A. The eighteenth.

Q. Were you in the eighteenth ward on November 8, 1910?—A. Yes, sir.

Q. Do you know anyone around Twenty-fifth and Dodder Streets?—A. Yes, sir.

Q. Did you meet any committeemen there?—A. I saw Hank Weeke.

Q. Where?—A. At Twenty-fifth and Dodder.

Q. You may state what was said and done.—A. I went over there in a carriage. I saw Weeke offer to hand Jim Sheehan some money.

Q. Do you know how much money he gave him?—A. No, sir; I do not.

Q. Where did he take the money from?—A. Took it out of his pocket.

Q. Did you see the denomination of the bills?—A. No, sir.

Q. What kind of money was it?—A. Greenbacks—paper money.

Q. Were there several bills?—A. Oh, yes; several bills. He had them in his hand.

Q. How did Weeke come there—in a carriage?—A. No, sir; I think he had an automobile.

Q. After he had given Sheehan the money, what did he do?—A. Why, he went away then.

Q. Went away in his automobile?—A. Well, yes; I think he did.

Q. Did you speak to him or he to you?—A. Yes, to Weeke.

Q. Did he say anything to you?—A. No, sir; he didn't say anything to me. He gave Thomas Murphy a \$5 bill.

Q. What did he say when he gave Murphy the \$5 bill?—A. I didn't hear. I understood from Murphy that he told him—



Q. I meant, did Sheehan say anything to you?—A. Not exactly. He gave me \$2 to see what I can do with it.  
Q. He gave you \$2 to see what you can do with it?—A. Yes.  
Q. Did he say anything to you about using your influence working for him?—A. No, sir.

Cross-examination by Mr. Newton:

Q. You don't know where Weeke got the money?—A. No, sir.  
Q. Did you hear what, if anything, Weeke said to Sheehan when he gave him some money?—A. No, sir; I was too far away, about 50 feet away.  
Q. Was Murphy near?—A. Murphy standing at the corner talking to the crowd.  
Q. How far was Murphy away from you?—A. I guess about 5 or 6 feet.  
Q. Then he was nearly 50 feet away from Sheehan and Weeke?—A. Yes, sir.  
Q. You don't know what he gave the money for?—A. No, sir; I don't.  
Q. He gave it to him out on the open streets; everybody saw it?—A. Yes, sir.  
Q. You did see it and the whole of the rest could?—A. Yes, sir.  
Q. He did it out openly, in broad daylight?—A. Yes.  
Q. Sheehan took it and put it in his pocket?—A. Yes.  
Q. What is it Sheehan said when he gave you the \$2?—A. "See what you can do with it."  
Q. That didn't influence you in any way?—A. No, sir.  
Q. It didn't buy your vote?—A. I voted in the morning.  
Q. You had already voted at that time?—A. Yes, sir.  
Q. Did he ask you whether or not you had voted?—A. No.  
Q. What did you do with the money?—A. Stuck it in my pocket with the rest of the money I had.  
Q. Where did you get the rest of the money?—A. I made it working.  
Q. You put it in with the rest of your money, spent it with the rest of your money, did you?—A. Yes, sir.  
Q. Did you do anything at all for it that day?—A. No; I went home. Leo McCaffrey, being duly sworn on behalf of the contestant, deposes and says:

Direct examination by Mr. Barrett:

Q. What is your full name?—A. Leo McCaffrey.  
Q. Where do you reside?—A. 2513a St. Louis Avenue.  
Q. Do you reside in the eighteenth ward?—A. Yes, sir.  
Q. Were you around on the 8th of November, 1910—election day?—A. Yes.  
Q. Did you meet any of the committeemen?—A. I met Mr. Weeke.  
Q. Where did you see him?—A. Met him over there at Twenty-fifth and Dodder Streets, right across the street from the polls.  
Q. Who was with Mr. Weeke at that time?—A. Well, he drove up in an automobile and jumped out of the automobile and ran across the street and met Mr. Sheehan.  
Q. Tell us what happened.—A. Met Mr. Sheehan, called Mr. Sheehan aside and talked to him; whatever he said, I don't know, and he pulled out his pocketbook, a long pocketbook, and pulled out money and gave him several bills. I can not tell how much they were; and got through and went over to the polls, and whatever was done, I don't know.  
Q. Who went to the polls?—A. Mr. Weeke. Whatever was done there, I don't know. They called Mr. Murphy and myself, and Mr. Sheehan gave Mr. Murphy some money and gave Russell money. Mr. Murphy gave Russell some money.

Q. Do you remember what his name is?—A. John Russell.  
(Counsel for contestee objects to this testimony for the reason it is not rebuttal and is not admissible under the statutes governing contested-election cases.)

Q. What did he say, if anything, to Mr. Murphy and Mr. Russell when he gave them the money?—A. He handed him the money and told him to go down and work for Catlin and Miller.

Q. Sheehan was formerly the Democratic committeeman, was he not?—A. Yes.

Q. And was looking to be reelected Democratic committeeman at the August primary?—A. Yes.

(Counsel for the contestee objects to the leading character of the question.)

Q. Was he elected?—A. No, sir.  
Q. He was beaten?—A. Beaten.  
Q. Did you take any hand?—A. No, sir.  
Q. Were you interested with Burns?—A. No, sir.  
Q. Were you interested with Sheehan in any of his fights?—A. No, sir.

Q. You were interested with Burns?—A. No, sir; nobody.

Cross-examination by Mr. Newton:

Q. And you were not influenced by any money?—A. No.  
Q. You voted for Mr. Gill, did you?—A. I voted.  
Q. Did you vote for Mr. Gill?—A. Of course I voted for Mr. Gill.  
Q. You voted the straight Democratic ticket?—A. Yes.

The record further shows that Mr. John F. Byrne, the Democratic committeeman from the eighteenth ward, was the treasurer of contestant's committee and a close personal friend of contestant (Rec., 1606); that one James J. Sheehan was the predecessor of the said John F. Byrne as Democratic committeeman for the said eighteenth ward; that the said Byrne and his friends, after a bitter contest, had wrested the political power from Mr. Sheehan (Rec., 2086), and that much feeling existed between them, and it would be only natural for Sheehan to be opposed to contestant, who had Byrne, Sheehan's rival, as his treasurer.

#### ALLEGED INTIMIDATION OF ARTHUR DAVIS AND OTHERS.

John T. Gleason, a witness of lawful age, being produced, sworn, and examined on the part of the contestant, deposes and saith:

Direct examination by Mr. Moore:

Q. State your name.—A. John T. Gleason.  
Q. Did you serve as an election official in the election on November 8, 1910?—A. Yes, sir; in charge—Democratic judge.  
Q. What precinct?—A. Third precinct, twenty-seventh ward—twenty-sixth ward.  
Q. Are you acquainted with Arthur Davis?—A. I am.  
Q. Did he vote in that precinct?—A. He did.  
Q. On that day?—A. He did.  
Q. Did he come to the polling place alone, or with anyone?—A. Six or seven came to the polling place together.  
Q. Do you remember who they were?—A. Arthur Davis, Richard Davis, his brother, Chris Davis, Redding.  
Q. How do you spell that?—A. R-e-d-d-i-n-g—Will Redding, William Redding, John Heffernan, and a man by the name of Dowd—I disre-

member his first name—O'Dowd, I think it is—they are all registered from the same place except the two Reddings.

Q. They are all registered from the same place—did they come there together?—A. Yes.

Q. What did Arthur Davis do?—A. He came in and gave his name and got his ballot and went over to the booth and Will Redding got his ballot next and they were in the adjoining booths together, and I was waiting on the other persons coming in and giving the ballots, when I discovered Arthur Davis was in Redding's booth talking to him. I told him he'd have to stop that; that if he wanted information he'd have to come to the table with the judges, and with that he lifted Redding's ballot and walked over to I. Joel Wilson—I discovered him standing at the door.

Q. (Interrupting.) Inside the door?—A. Inside the door—inside the polling place.

Q. And what did he say?—A. He came up with the ballots in his hand and asked Mr. Wilson if he wanted to look at them. Mr. Wilson said "No." I said, "You have no right to show them to Wilson or anyone else." With that he threw them on the table, and I turned to the Republican judge, J. Lewis Hall, and says, "Lewis, this ain't right," and we called him back, and he says, "There's my ballot."

Q. (Interrupting.) Who says this?—A. Arthur Davis says, "My ballot is there," and we called Redding over, and he took his ballot and went back into the booth with it again, and come back with it folded, and went out.

Q. What was Wilson doing in the polling place?—A. I don't know—just came in there—dropped in there with several other gentlemen.

Cross-examination by Mr. Newton:

Q. Do you know whether or not the ballots were counted as they were polled?—A. Everything was regular; counted fair and regular.  
Q. Was this the only irregularity you saw that day?—A. That's about all.

Q. Everything else went off perfectly regular?—A. Yes; I think so.  
Q. As a matter of fact, every voter that came in that day did have an opportunity to prepare a secret ballot—that's the only exception?—A. Yes; he's the only one that done that.

Q. But you do know, as a matter of fact, that all the voters except this one did prepare the ballot in secret?—A. Yes.

Q. And that those ballots were honestly counted and cast?—A. Yes.

Q. And, so far as you know, there was no irregularity that day at those polls?—A. Yes; that's the only thing the entire day.

Charles L. Geraghty being duly sworn on behalf of the contestant, deposes and says:

Direct examination by Mr. Barrett:

Q. What is your name?—A. Charles L. Geraghty.  
Q. Your address?—A. 1417 Euclid Avenue, St. Louis, Mo.  
Q. Where is your place of business?—A. 4821 Easton Avenue.  
Q. Did you meet Mr. Josephs on the 8th of November, 1910 last?—A. Yes.

Q. Where?—A. My office.  
Q. What time of the day?—A. About 8 o'clock in the evening.

Q. After the election?—A. Yes.  
Q. What is his full name?—A. I do not know.

Q. What is his business?—A. He is a clerk in some of the courts, around the four courts, the three C's, the court of criminal correction.

Q. Was anybody present with you?—A. Well, there was Mr. Lavin there, James Lavin, and Mr. Werner, and one or two others—now, I don't remember; I forget who they were.

Q. Please state what was said and done.—A. Well, he came in after the election.

Q. That is, by him you mean Josephs?—A. Yes. Mr. Josephs.

Mr. Newton. I object to this, unless it is shown to be in rebuttal of the testimony heretofore given on the part of the contestee.

Q. Go ahead.—A. He came in and says "Well, we fixed you all right," I said, "Yes." He said, "We voted every son-of-a-gun's brother that was under indictment." I said, "That is good." And he said, "We got them Davises in line. We did not have to wait all day for them to vote. They stay around the polling place until about 5 o'clock in the afternoon and we got in a machine and got some man by the name of Wilson, Joe Wilson, Joel Wilson, to come across, and it seems like he had some things in his office, and they had to come in and vote."

Q. Did you have anything to do with raising any campaign funds for the congressional race in the eleventh district?—A. Yes; I raised some money.

Q. How much did you raise?—A. Three hundred dollars.

Q. What did you do with it?—A. I gave it to our committeeman, Mr. Patrick.

Q. John Patrick?—A. Yes.  
Q. You did not spend any yourself?—A. No.

Q. You did not know what disposition was made of it?—A. I do not.

Cross-examination by Mr. Newton:

Q. You say that some man by the name Josephs told you that they had voted men under indictment?—A. Yes.

Q. Who was under indictment, who was voted on that day?—A. Well Mr. Davis was the one he had reference to.

Q. Is that the only one you know of?—A. The only one I know of at that time; the only one he said. I don't know of anybody else.

Q. You do not know of anybody else in the district?—A. No; that is all I know.

Q. Do you know whether the Davis indictment was pending?—A. That I can not tell you.

Q. You do not know he was indicted?—A. No.

Q. You can not swear any information was pending against him?—A. I can not swear.

Q. All you know is the evening of the election day Josephs said what you say he said?—A. Said, "We voted Mr. Davis, and got him in line all right."

Q. The extent of the influence according to his statement, extended only to the one party, Davis?—A. That is all.

Q. That is all you know about it?—A. That is all.

Q. Even according to his statement you do not know whether his statement is true or not?—A. I can not say that.

Q. Do you know of any person who voted out there who had not the right to vote in the eleventh district?—A. No; I can not say that I do.

James A. Lavin, being duly sworn, on behalf of the contestant, deposes and says:

Direct examination by Mr. Barrett:

Q. What is your full name?—A. James A. Lavin.

Q. Did you meet a Mr. Josephs?—A. Yes.  
Q. In the office of Charles Geraghty, on November 8, 1910?—A. Well, I was there when Mr. Josephs came in. I was not even introduced to him. I was sitting in the office at the time.

Q. What was said and done at that time?—A. Well, this man, as I understood, I heard Mr. Geraghty say, "Hello, Josephs"; I think that is the way it took place, and I just glanced around, and he immediately made the remark referring to politics; he said, "Well, Charlie, I have told you we would get away," words to that effect; he says, "We went down the line with all the boys." So Mr. Geraghty says, "What do you mean?" He said some of these fellows they held back for some time from the polls and we went and cut loose; and I think Mr. Wilson, that is the name, he came up, and I stopped from reading the paper to listen to what he said; and he says, "We got all the boys; indictments did not stop us; we got them all to cast their ballots"; and he says, "we lined the Davises up"; I think it was Davis, or words to that effect. I do not know what more took place. So after that he left, and I said to Mr. Geraghty, "Who was this man?" He said his name was Josephs. I said he came out very broadly as to dishonest things. Mr. Geraghty said, "Yes; he is a politician"; so I says, "What is his business?" Mr. Geraghty said something in the court of criminal correction, or a clerk there. That is all I know.

#### THE GIVING OF PRIZES TO JUDGES AND CLERKS.

Francis H. Evers, being duly sworn, testified as follows:

Direct examination by P. T. Barrett, Esq.:

Q. State your name.—A. Francis H. Evers. Twenty-seven. Real estate agent. Republican clerk.

Q. Did you attend a meeting at Judge Reichman's court a night or two prior to that election?—A. I did.

Q. And that was a meeting, I believe, of all the Republican judges and clerks of that ward?—A. Well, it included the Republican workers, you know, ward workers.

Q. What ward was that?—A. Third ward.

Q. Who was the Republican committeeman for that ward?—A. George W. Reichman.

Q. He is also treasurer for the Republican congressional committee for the eleventh district?—A. I don't know about that.

Q. He is also the Republican congressional committeeman for that ward?—A. I believe he is.

Q. Did Mr. Reichman make an offer of prizes at that meeting?—A. Well, there was some prizes offered.

Q. He offered the two judges and clerks returning the highest vote from their precinct for Catlin the sum of \$15 each in cash, didn't he?—A. Well, I don't remember just what those prizes were. I remember it was \$15 for the precinct showing the best return, \$10 for the next best, and \$5 for the third best; but I don't know just all that was for.

Q. But those prizes were to go to the judges and clerks?—A. Yes, sir.

Q. And not for any other person?—A. No, sir.

Q. And it was paid on the best return for Catlin?—A. I am not sure about that.

Q. Mr. Catlin was present there when Mr. Reichman made those offers?—A. He was.

Q. And it was within his hearing and presence?—A. It was.

Q. He did not make any objections to it, did he?—A. No.

Cross-examination by Mr. Early:

Q. Mr. Catlin wasn't being represented, so far as you know, by Mr. Reichman in any of these matters, was he?—A. As far as I know, no.

Q. Mr. Reichman was simply speaking for the Republican organization, was he not, so far you knew?—A. So far as I knew, yes, sir.

Francis H. Evers, being duly sworn, testified as follows:

Direct examination by Mr. Newton:

Q. You testified, I believe, some time last month?—A. I did.

Q. On behalf of the contestant, Mr. Gill, in this contest?—A. Yes, sir.

Q. Over in the Houser Building in this city?—A. I did.

Q. You gave some testimony there regarding some remark made by Mr. Reichman, regarding prizes?—A. Yes, sir.

Q. What remark was it that Mr. Reichman made up there that night?—A. I don't remember it exactly.

Q. You don't remember that remark?—A. No, sir; he made a number of remarks.

Q. What remark did he make there regarding prizes?—A. He offered prizes, \$15, \$10, and \$5.

Q. He offered prizes to whom?—A. I don't remember.

Q. Was that a meeting of judges and clerks, or precinct committeemen?—A. I have forgotten.

Q. You have forgotten?—A. Yes, sir.

Q. Don't you know that the precinct committeemen were together that night, and that Mr. Reichman was calling upon them to name the watchers and challengers, and so forth?—A. The watchers and challengers were appointed that night; yes, sir.

Q. And they were appointed by the precinct committeemen?—A. I don't know who appointed them.

Q. That is, they were suggested by the precinct committeemen, were they not?—A. I don't know. They were suggested by the men present.

Q. Will you say now that that offer was made to precinct committeemen, judges, or clerks?—A. I can't say.

Q. For whom did you vote for Congress in the last election?—A. I voted for Gill.

Q. Do you remember betting on Gill's election?—A. Yes, sir; and I paid my bet the day after election.

Q. You bet, and paid the bets?—A. Yes, sir.

Q. How much did you bet?—A. Didn't bet any money. I bet a bottle of champagne, and I gave him \$2 for a half bottle.

Cross-examination by Mr. Barrett:

Q. Prior to the time that you testified on behalf of the contestant in this case, did not Mr. George Reichman call on you before you testified in this case?—A. No; I spoke to him in the car. I met him there.

Q. Did he speak to you about your testimony?—A. Yes, sir.

Q. He told you what you were to testify to, didn't he?—A. Yes, sir.

Q. What did you say to Mr. Reichman?—A. Oh, he asked only if I had been subpoenaed, and I replied that I had. He suggested that I tell the truth and have no hesitancy about speaking of any money matters.

Q. Did he say something about precinct men?—A. No, sir.

Q. Mr. Evers, as I remember your testimony before, you testified that an offer was made by Mr. Reichman of \$15, \$10, and \$5 to the clerks in the precincts returning the highest vote for Mr. Catlin—\$15 each on the Republican ticket?—A. No; I don't believe I testified that way.

Q. That is the way you testified, and it is so reported.—A. No; I didn't say that those prizes were for the clerks.

Q. Who were the prizes for, then?—A. I don't know.

Mr. Evers recalled.

By Mr. Barrett:

Q. The report that you said the election judges were paid any money or offered any money, was not true?—A. I said I did not know what those prizes were for.

Q. And you saw what the newspapers said, quoting you?—A. The papers said that I said they offered prizes for election judges and clerks for the highest votes for Catlin.

Q. And you didn't say it?—A. No; I did not.

By Mr. Newton:

Q. Do you know of any prizes having been given to anybody in that district?—A. No.

August Borcharding, being duly sworn, testified as follows:

Direct examination by Mr. Barrett:

Q. State your name, age, residence, and occupation.—A. My name is August Borcharding; I reside at 1310 Warren; my occupation—I am not doing anything just now.

Q. What is your age?—A. Sixty. I will be 61 the 20th of July.

Q. You are 60 past?—A. Yes, sir.

Q. Did you officiate in the election that was held in the eleventh congressional district, on the 8th day of November, 1910?—A. Yes, sir.

Q. In what capacity?—A. Judge.

Q. Republican or Democrat?—A. Republican.

Q. At what ward and precinct?—A. Third, ninth precinct.

Q. Did you attend the meeting that was held at Reichman's court a night or two prior to the election?—A. I did.

Q. And Mr. Reichman made an offer of prizes to the judges and clerks, didn't he?—A. He did; yes, sir.

Q. And when he made that offer Mr. Catlin was present?—A. He was present.

Q. And he made no objection to it?

Q. And the offer of prizes was as follows: \$15 to the judges and clerks returning the highest vote for Mr. Catlin?—A. Yes, sir.

Q. \$15 each?—A. Yes, sir.

Q. To the judges and clerks returning the second highest vote for Catlin, \$10 each in cash, and to the two judges and clerks returning the third highest vote for Mr. Catlin, \$5 each?—A. Yes, sir.

Q. Did Mr. Reichman visit that polling place on election day?—A. He did.

Q. Did Mr. Reichman leave some money there?—A. Yes, sir; I seen him leaving money there.

Q. To whom did he give it?—A. If I recollect right, he gave it to—

WITNESS (continuing). If I recollect right, he gave it to Mr. Conway, if I remember right, and Mr. Conway turned it over to Mr. Summers.

Q. Who is Mr. Conway?—A. The Democratic clerk of that precinct.

Q. Do you remember the amount?—A. I think it was \$10.

Q. And was that \$10 wrapped up and tied with a rubber band?—A. Yes, sir.

Q. And had Mr. Catlin's card inclosed in it?—A. I don't know anything about that. I don't think it was, because it didn't look that way to me.

Cross-examination by Mr. Early:

Q. You did not see Mr. Catlin hand anybody any money, did you?—A. Not a thing.

Q. Not a cent?—A. No.

Q. You never heard Mr. Catlin say that Mr. Reichman had any authority to represent him at any time, did you?—A. Not at all.

Q. This \$10 that was given was for the ward workers, wasn't it?—A. It was given, if I remember distinctly, for their meals.

Q. That was the purpose for which this money was given?—A. That is what he announced to us. He said, "Boys, here is \$10. There is the money for your meals."

Q. And that is what you understood that this money, the only money that you saw passed, was passed for? Was for the purpose of buying or paying for the judges' and clerks' meals?—A. The meals; that is all that Mr. Reichman announced.

Q. Mr. Reichman never asked anybody to accept the money, or offered any money, in your presence to corrupt any votes, did he?—A. No.

Q. He said nothing about your influencing anybody's vote, did he?—A. No.

Q. And, as far as you know, was the election in your precinct conducted honestly and fairly?—A. I am pretty sure that we conducted the election as square as we knew how.

Q. You did the best that you could, did you?—A. The best to our knowledge.

Q. Did you burn up any ballots, or refuse to count any that were cast?—A. Never.

Q. Do you know of anything of that sort being done?—A. No, sir.

Q. Do you know of any votes cast for Mr. Gill being counted in your precinct for Mr. Catlin?—A. No.

Q. Do you know of a dollar or a cent being spent for the purpose of corruptly influencing any vote in your precinct?—A. I do not.

Q. And you never heard of Mr. Catlin offering anybody any money?—A. Never in my presence.

Q. So far as you know, he never did, did he?—A. Never did in my presence.

Q. And if there was any money corruptly spent, you don't know it?—A. Don't know anything about it.

Q. Did the Democratic committeemen receive a like sum, or about the same sum, from the same source, for the same purpose of buying meals?—A. From the Democratic side?

Q. Yes.—A. I think they did.

Q. Did you see it?—A. I believe it was \$5 that passed from the Democratic committeeman.

Q. And that always prevailed at the elections with either party, did it not, that the judges and clerks were furnished their meals by the committeemen?—A. Yes, sir; on election day—not on revision day or any other day—but on election day and the primaries.

Q. That was done by both committees?—A. As a rule, yes, it was.

Cross-examination of August Borcharding resumed by Mr. Early:

Q. These prizes that were offered there at the meeting, they were offered to the precinct committeemen, were they not, for getting out the voters?—A. How is that?

Q. These prizes that you have spoken of that you say were offered, they were offered, were they not, to the precinct committeemen?—A. I don't know; I don't know anything about that. I heard there was an offer.

Q. You don't know that?—A. I don't know where they came from. I don't know where they should go to.

Q. You don't know whether they were offered to the judges and clerks, or whether they were offered to the committeemen?—A. As I



understood it, it was for the precinct that had the highest vote. I didn't make any head out of it at the time.

Q. It was spoken to the precinct committeemen, wasn't it?—A. How is that?

Q. That was a meeting of the precinct committeemen, wasn't it?—A. Well, it seemed that way.

Q. Republican precinct committeemen?—A. It was that way; it was called by the board.

Q. That was a meeting, wasn't it—this offer was made at a meeting of the precinct committeemen?—A. Yes, sir.

Q. That is the same meeting that was spoken of by Mr. Evers, wasn't it?—A. Yes, sir.

Q. And that is the only offer that you ever heard that was made—was at the precinct committee meeting?—A. Yes; that is all.

Henry Pins, being duly sworn, testified as follows:

Direct examination by Mr. Newton:

Q. What is your name?—A. Henry Pins.

Q. Where do you live?—A. 1409 Clinton Street.

Q. What is your occupation?—A. Clerk in the license commissioner's office.

Q. Did you hold any official position prior to the election held on the 8th of November, 1910?—A. Yes, sir.

Q. What was it?—A. License inspector in the commissioner's office.

Q. Did you hold any position with reference to the political organization in the ward?—A. I was precinct committeeman.

Q. What precinct?—A. The twelfth precinct, third ward.

Q. Were you present at any meeting held in Judge Reichman's court prior to the election?—A. Yes, sir.

Q. What night was it held?—A. I think it was Saturday night prior to the election.

Q. What, if anything, was done with reference to making rules for the election that night?—A. Mr. Reichman instructed all of the men to get up early and see that the judges were at the election polls, and not to be fooled as they were once before, not to pay any attention to any letter with his name signed to it, that they shouldn't pay any attention at all to any letters, and that everybody was to be there.

Q. What, if anything, was done with reference to calling the roll of the precincts?—A. Why, they called them down the line, from 1 to 17. They were all present.

Q. What, if anything, was done there by anyone, or what was said, if anything, regarding prizes?—A. That was after the meeting was all over, and we were all sitting there joshing, and I said it would be a good idea to give \$10 to the one bringing in the returns first, and Mr. Wade said, "We ought to make it \$15, that we would get that as quick as we would get \$10."

Q. What did the others say?—A. They all laughed about it. That is all that was said.

Q. Were there any prizes offered by Judge Reichman to anyone?—A. No, sir.

Q. That is the sum total of what was said about prizes, is it?—A. Yes, sir.

Robert Olsen, being duly sworn, testified as follows:

Direct examination by Mr. Early:

Q. You may state your name.—A. Robert Olsen.

Q. What ward and precinct were you in on November 8, 1910?—A. First precinct, third ward.

Q. Were you at a meeting at Judge Reichman's court two or three days before the election of November 8, 1910?—A. Yes, sir.

Q. What kind of a meeting was that, Mr. Olsen?—A. I understood it to be a meeting of the precinct workers.

Q. What time did you get there?—A. Shortly after 8 o'clock.

Q. What happened after you got there?—A. Well, the meeting was called to order, and Mr. Reichman began giving instructions to the judges and clerks not to pay any attention to any letters or notices to them on the morning of election, and that he would give no notices out; if he had any messages to deliver, he would be at the polls on election morning and deliver them himself. So after that he went on with other instructions. After that we dismissed the judges and clerks, told them that that was all. Then they started in with the precinct workers, selecting the challengers and watchers.

Q. What was said and done there as nearly as you can recall?—A. Well, each precinct committeeman was asked to place a name or two names for challenger and watcher, and I was selected as a challenger in the first precinct.

Q. Did you hear anything said there about prizes or anything of that character, to workers, and if so state what was said and by whom?—A. I heard Mr. Pins make a remark.

Q. Where does he live?—A. I don't know; somewhere on Clinton Street, I think—I am not positive. I don't know his address. He said that they should make an offer to give the precinct men or man bringing in the quickest returns \$10, and some one in the crowd, who it was I don't know, said, "You better make it \$15"; and it was laughed off and passed on as a joke. Nothing more was done that evening.

Q. During that time did you see Mr. Catlin in the room?—A. No, sir; I did not.

Q. Was he in the room at any time while that conversation was going on?—A. I did not see him.

Q. As a matter of fact, do you know of a cent, or of any prize offer being paid either before the election or after the election?—A. No, sir; I do not.

Q. You received nothing?—A. No, sir.

Emil Alexander, being duly sworn, testified as follows:

Direct examination by Mr. Newton:

Q. What is your name?—A. Emil Alexander.

Q. What ward and precinct do you live in?—A. Third ward, fourth precinct.

Q. Do you remember attending a meeting in Judge Reichman's two or three days prior to the election, which was held on November 8, 1910?—A. I remember attending a meeting there. I think it was a day or two previous to the election of November 8.

Q. Do you remember what night in the week it was?—A. Well, I am not positive whether it was Saturday night or Monday night. It was a day or two previous to the election.

Q. You may state who was present at that meeting.—A. Well, there were a number of people present at the meeting. I don't just remember all who were there. I heard there was a meeting of precinct committeemen, a precinct meeting to be held at George Reichman's court, and I happened to be in the neighborhood, and I dropped in.

Q. What were you at the election?—A. I was a clerk.

Q. A Republican clerk?—A. Republican clerk; yes, sir.

Q. You heard of this precinct committee meeting?—A. I heard that there was to be a meeting of the precinct committee at Judge Reichman's court.

Q. Did you go in?—A. I stepped in for a while; yes, sir.

Q. What took place there?—A. The meeting had already convened when I got there, and they were calling the precincts in order to see whether the representative was there for each and every precinct.

Q. Who were they calling for each precinct?—A. The precinct committeemen.

Q. What, if anything, were they doing with reference to the election; with regard to instructions, or anything of that sort?—A. Well, I didn't hear all the instructions. I stepped out of the room; stepped in and stepped out several times. They had finished calling the numbers and precincts in the ward, and I stepped in again, and I heard Mr. Pins saying something about a prize that ought to be offered to the precinct returning the largest number of votes.

Q. Offered to whom? The judges and clerks or precinct committeemen?—A. It was a suggestion that was made; I don't know who he was directing it to; he was just suggesting it.

Q. From whom do you say that suggestion came?—A. That came from Mr. Pins.

Q. It didn't come from Mr. Reichman, then?—A. No, sir; I heard that remark come from Mr. Pins.

Q. Was there any offer by Mr. Reichman of any prizes?—A. The judge said that would be a pretty good idea, and we laughed. They all laughed.

Q. Did they regard it seriously?—A. No; I think they considered it as a joke.

Mr. BARRETT. I object to that as suggesting to the witness.

Q. What do you say?—A. From their actions, I considered it a joke.

Q. Did you hear of any offers of prizes made to any of the judges or clerks?—A. There wasn't any made to me, and I didn't hear of any made to anybody else. I was one of the clerks of election, and there was no offer made to me, and I did not hear of any other judge or clerk being offered any.

Mr. HAMILL. Mr. Speaker, I would like to make some arrangement about the disposition of the remaining time. As we have the right to begin and the right to reply, we want a reasonable time in which to make that reply. I make this suggestion that we go on for half an hour, and then the gentlemen on the other side consume the balance of their time, and that will give us just a half an hour in which to reply.

Mr. ANDERSON of Minnesota. Does the gentleman expect to have more than one speech in his reply?

Mr. HAMILL. I do not know.

Mr. ANDERSON of Minnesota. It is hardly fair to complete the argument on this side, and then have half a dozen speeches on that side.

Mr. HAMILL. So long as we do not limit the gentleman to the number of speeches on his side I do not think he can complain.

Mr. ANDERSON of Minnesota. I think the custom is for the proponents of the resolution to conclude with one speech.

Mr. HAMILL. Whatever the custom is we are willing to abide by it.

Mr. ANDERSON of Minnesota. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has 1 hour and 45 minutes.

Mr. HAMILL. Mr. Speaker, I yield 15 minutes to the gentleman from Indiana [Mr. KORBLY].

Mr. KORBLY. Mr. Speaker, this case naturally divides itself into two parts, and for the few moments allotted to me I shall endeavor to discuss but one part of the case.

There is no dispute about the facts, as far as I am concerned; it is just a question of conclusion, and I will begin by directing the attention of the House to a letter which one of the counsel for the contestee was kind enough to send me through the mail yesterday. It is as follows:

WASHINGTON, D. C., August 3, 1912.

Hon. C. A. KORBLY,  
House of Representatives, Washington, D. C.

DEAR SIR: Your attention is respectfully invited to the accompanying extracts from the Washington Post and Washington Times of recent date:

"Patrick Gill, Democratic contestant in the eleventh Missouri district, was defeated by a plurality of 2,500 in the Democratic primaries Tuesday.

"Theron E. Catlin, Republican contestee, was renominated without opposition in the Republican primaries on the same day.

"The foregoing result was attained at a direct primary. It is a true expression of popular sentiment at home, where the people, Democrats and Republicans alike, know the facts.

"The registered will of the people vindicating Mr. Catlin and repudiating Mr. Gill confirms the judgment of the Democratic Supreme Court and Legislature of Missouri in dismissing all Democratic contests of Republican State officials elected at the same time the election in the eleventh congressional district was held and by the same election officials, registration and naturalization, in that district.

"The Democratic State contests were dismissed because of lack of evidence of fraud or corruption in every congressional district of Missouri, including the eleventh district.

"Can the majority report of Election Committee No. 2 be justified or honestly sustained in the light of these and all other facts in the case?"

Very truly, yours,

E. C. BROKMEYER,  
Associate Counsel for Mr. Catlin.

Now, it might have occurred to Mr. Brokmeyer that in view of the rosy prospects for Republican success at the coming election there might have been several candidates in the district seeking the nomination. As a matter of fact, there were three candidates seeking the nomination on the Democratic ticket, and Gill went down. Democratic prospects brought out the candidates. As one of the committee, I am not very much

impressed with the argument adduced in this irregular way by the counsel for the contestee.

Now, as I have said, this case naturally divides itself into the question whether or not Catlin is entitled to his seat; and then, if it is decided that he is not, whether or not Gill is entitled to the seat. On the first branch of the case I desire to make a few observations. The corrupt practices act of the United States, like its prototype, the corrupt practices act of Missouri, had for its purpose the giving to the public of knowledge concerning the use of money in elections.

The contestee in this case, who is only 32 years old, who is only a graduate of Harvard University, whose experience is limited to one term in the Missouri Legislature, called to his assistance, directly or indirectly, one of the most astute lawyers in the State of Missouri, and one time partner, if you please, Mr. Speaker, of the present Secretary of Commerce and Labor. It was through this astute lawyer that the money—\$10,200—was expended. I will take the minority report. I do not have to go to the record to read:

The testimony in this case shows that the contestee spent, in securing his election, the sum of \$551. The maximum amount which he could legally expend under the law of Missouri was \$662, and it is not claimed that the contestee personally exceeded the limit in his personal expenditure. But the evidence further shows that the father of the contestee, Daniel Catlin, expended, to secure the election of his son, the sum of \$10,200.

If there is anything proven clearly in this case it is that the spirit of the corrupt practices act of Missouri and the spirit of the corrupt practices act of the United States was violated, for—I quote again from the minority report this excerpt from the testimony of the contestee's father:

My son would never have heard that I had given this money if it had not been for this contest.

Can the gentleman from Minnesota [Mr. ANDERSON], can the gentlemen from the other side of the House, have any doubt on the proposition that it was the intention of the parties to these transactions, that the dear public should never know about what took place? The contestee can not be allowed to close his eyes to what took place. At the time the dinner was to be given at the home of Mr. Catlin's father, Mr. Goldstein came to the contestee and asked him whether or not he had invited Dan Kirby, and he answered that he had not, and Goldstein said, "Then I want you to have him there," and Mr. Catlin invited him. Why should he invite Dan Kirby, the great lawyer and astute politician, to his home? Kirby did not even live in his district. Yet he invites him to his dinner table, together with his manager, Mr. Goldstein, and eight or nine members of his campaign committee.

They sit down to dinner, and when the dinner is over the astute lawyer and politician, who seems to have been brought into the case to show the contestee how to evade the law, said to him, "Let's get down to business. I think you better leave the room." This contestee, living under the same roof with his father, who gave \$10,200, eating at his breakfast table, having office room in his office, access to his books, was not put upon notice by this suggestion that a man outside the district should be invited to the party councils at his father's board! When he was invited to leave the room, he meekly obeyed. He avoided means of knowledge. It will not do for the contestee and it will not do for the father and the brother and the sister and the other parties to this dinner to say that money matters were not discussed. That would be to overthrow the very evident purpose that was apparent through the whole transaction, that they desired to expend \$10,200 in bringing about the election of Theron E. Catlin, and not have anybody known anything about it. [Applause on the Democratic side.] I prefer for my part, as a judge in this case, to disregard the statements of interested people and to give credence to the facts that speak so forcibly and eloquently.

Mr. ANDERSON of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. KORBLY. Yes.

Mr. ANDERSON of Minnesota. I would like to call the gentleman's attention to his position before the committee. The gentleman during the hearings of the committee said:

There is no question if a sufficient number of votes to vacate the election were fraudulently obtained, but if he put in ten and that would not change the result, I am free to say as a judge in a case that I would not regard it.

Has the gentleman changed his mind since then?

Mr. KORBLY. I have not. If this money had been spent by strangers to the contestee I would not undertake to hold him responsible, unless enough votes were corrupted to change the result, but for him to have one, two, three, four of the people with whom his everyday life is cast, a party to the thing, and then undertake to say to the American people or to me as a judge in this case that he knew nothing about it

and that his intentions were good is not very convincing nor persuasive.

Mr. ANDERSON of Minnesota. Will the gentleman point out why his father or any of his relatives would stand in a different position with reference to the law of Missouri than any other person would?

Mr. KORBLY. The statute is clear. It says he shall not spend himself or by or through others. He can not escape the conclusion that these men were acting for him as his agents. They came out of his house. They were practically of his roof-tree and hearthstone. He can not do by another what the law will not allow him to do himself, and so far as the case in the Missouri court deciding the questions involved at this bar are concerned, I wish to say that the expenditure of \$10,200 by the relatives of this contestee was not in any wise whatsoever involved. This case is on trial at the bar of this House. This is the proper tribunal, and what has been done and what has been said about it elsewhere can not and will not be allowed to control the action of this court.

Mr. RAKER. Mr. Speaker, will the gentleman yield for a question?

Mr. KORBLY. Certainly.

The SPEAKER pro tempore (Mr. SHARP). The time of the gentleman from Indiana has expired.

Mr. RAKER. I am seeking light and information.

Mr. KORBLY. But my time is gone.

Mr. RAKER. I know it has gone, but this is important to get an answer.

Mr. KORBLY. I yield if I may have the time.

Mr. HAMILL. I yield two minutes more to the gentleman.

Mr. RAKER. I understand in section 646 of the Revised Statutes there is a provision that the candidate must make a statement and can expend only so much money.

Mr. KORBLY. That is my understanding.

Mr. RAKER. And under a section following it provides that a committee may spend money for a candidate.

Mr. KORBLY. Yes.

Mr. RAKER. It says two or more persons. Is there any provision of the Missouri law that one man may go out, voluntarily and by himself, relative or otherwise, spend money for the candidate without violating the law?

Mr. KORBLY. In answer to that I will say to the gentleman that in this instance two or more men did it, because Mr. Catlin turned the money over to Mr. Kirby. It was the act of two people, and they are constituted a committee by the law. They did not report and did not intend to report.

Mr. RAKER. They made no report?

Mr. KORBLY. None whatever.

The SPEAKER pro tempore. The time of the gentleman from Indiana has again expired.

Mr. HAMILL. Mr. Speaker, I yield 15 minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Speaker, I dislike very much to enter upon a case of this kind. I especially like to see young men enter public life and take a part in affairs relating to the National Government, their various States, counties, and municipalities. I feel that the gentleman from Missouri, Mr. Catlin, under other circumstances might have been a very valuable Member of this House—a man of sufficient means to take the time to come here and devote his services and energy to this work, a graduate of Harvard who, no doubt, is abundantly able to cope with the various matters that come before this body for action and with time and ability to give them proper and thorough consideration; but under the circumstances and in view of the testimony and facts contained in the record in this case I have been constrained to agree that he ought to be unseated and that his opponent, Mr. Gill, ought to be seated.

I can not agree that a man can enter upon an election, that more than \$10,000 can be expended on all sides of him, and that the candidate can go through that election, hearing and seeing what the money has purchased, and knowing that the wheels and machinery of the election are turning around with great rapidity, and knowing that much advertising is being done on his behalf—I can not but believe that a man of his ability, a man of his experience, a graduate of the great university of Harvard, could not go through an election of that kind without knowing something about where the money came from. Why, Mr. Speaker, 35,000 American flags with white streamers were placed in the hands of all the school children of the district with "Vote for Catlin for Congress" on them. An electric sign was displayed in Catlin's candidacy with his photograph. Men went about soliciting votes and getting everybody they could interested in his election.

Then we find that this money was being provided by those of his own household, and that all of the members of his



family knew of it and sanctioned the expenditure, and that the brother of contestee, his sister, and the attorney for the family all knew that his father was giving the money and his attorney, Daniel E. Kirby, was attending to the affair, all going about doing what they could to elect Theron E. Catlin to Congress. I can not but believe that some information must have sifted through and informed him that money was being expended in his behalf. I realize that a certain amount of money must be expended in every election. I realize that certain advertising must be done for candidates, and especially new candidates, by way of advertising in the newspapers of the city or of the State, and by flags, if you please, and otherwise. I realize all of these facts, but the Missouri law provides a way in which that could be done, and that way was through a committee, which must account for money received and expended, and in this case they did not even constitute themselves a committee, but expended the money without making any report whatever, and with the evident intention of evading the law. I say that while I realize a certain amount of money must be expended, there is a legitimate way to do it; there is a legitimate way to account for it, so that the people could have full knowledge and information of what had been done.

The testimony in this case shows that an arrangement was entered into by Daniel Catlin, the father; Daniel K. Catlin, the brother, and Daniel E. Kirby, a prominent lawyer, by which money was to be furnished Mr. Kirby by the father, and that he was to expend the same in procuring the election of Theron E. Catlin to Congress. From all the testimony it would appear that Mr. Kirby was trying to avoid violating the corrupt-practices act of Missouri, which provides that not more than \$662 could be expended by the candidate or others in his behalf, and for that reason it would appear that the contestee was to be kept in ignorance of the expenditures so made under this arrangement. We find that at the dinner given at the house of Daniel Catlin, at which the workers and Mr. Kirby and the contestee were present, as soon as the festivities were over some one remarked, "Let us get down to business," and immediately the contestee retired, and after his retirement the question of money was discussed.

Why did the contestee, who should have been the one the most vitally interested, leave the room at this juncture? Could it have been for any other purpose than to remain in ignorance of the money question? His sister, who lived at home with her father and the contestee, knew of the money being furnished by her father. The check books of the father were at all times accessible to the contestee, and showed plainly the payments to Mr. Kirby.

When the contestee visited the various saloons in the district he entered with one of his congressional committee, but when it came time to settle he left and entered his automobile, asking, as he states, nothing of what the visit had cost nor who had settled, except that on one or two occasions, when he settled with his committeeman for the expenditure. Can any one explain why he took this course, other than to remain in ignorance.

When the judges and clerks of election were called to meet at the offices of his friend and committeeman, Justice Reichman, the night before the election, when prizes of \$15, \$10, and \$5 were offered to those obtaining the largest number of votes for Catlin, two of the witnesses testify in their examination in chief that the contestee was present and must have heard the speech of Reichman and also the offers made by him to those judges and clerks, and was certainly put upon notice, being a lawyer and a business man, that such action was improper, to say the least. And one would naturally suppose that he would desire to know from whence such a large sum of money for the district was to come.

I know the gentleman from Minnesota states that these witnesses disputed that, and say they did not tell the facts upon examination in chief, but we are entitled to rely upon their testimony before the examiner in chief as much as their cross-examination, and, I may say, more so. Mr. Speaker, it seems to me that in view of these facts, in view of the fact that a large sum of money was being expended and not being accounted for, and in view of the fact that the legislature of which the gentleman was at one time a member has provided means for expending money and means for accounting for the money so expended, I am convinced that the contestee was fully informed, and certainly had sufficient legal knowledge to know that he should comply with the law. As to the seating of Mr. Gill, we find that three-fourths of the unnaturalized voters in that district lived in the third and eighteenth wards. We find that 2,000 unnaturalized persons voted in that election, and it is so admitted by the contestee. It was impossible to trace the whole 2,000, but we were able to trace some 311 of those votes and, while the contestee averred in his answer that those votes

were cast for Mr. Gill, we find by tracing those votes directly from the ballot to the poll register, that each and every one of them had voted for Mr. Catlin, and the committee determined that if out of 2,000 votes 311 had been traced and each and every one of them had voted for Mr. Catlin, it was but fair to assume that the whole 2,000 had voted for him and that those two wards ought to be cast out. Therefore the committee voted to cast out the third and eighteenth wards, and by computation we find that the majority for Mr. Gill would be about 431.

Now, Mr. Speaker, in conclusion, I wish to say that I, personally, do not believe that the question of an election ought to rest upon the question as to whether the candidate had himself purchased his election, but no man or men should be allowed to purchase it for him. I think in the Lorimer case, at the other end of the Capitol, very little money, if any, was ever traced directly to Mr. Lorimer; but it was shown that other persons did the buying, of which he was the beneficiary.

Mr. COOPER. Will the gentleman yield?

Mr. LINTHICUM. In a moment. The fact that some one who is a candidate or somebody in his interest purchased the election for him ought to be enough to invalidate it, and why? Because if persons are made to know that an election purchased by the candidate himself or some third party for him will be invalidated, then the third party will never purchase an election, knowing it to be corrupt and a useless purchase. So I say in this case that granting Catlin did not allow any facts to sift through to him, and though he did not know of the purchase of this election by his family, his father, his sister, and brother, and counsel, it seems to me it is not fair that he should occupy a seat upon the floor of this House, but that the law and likewise the spirit of the law should be enforced.

Mr. COOPER. The gentleman speaks of 311 of the votes being the votes of unnaturalized citizens?

Mr. LINTHICUM. Yes.

Mr. COOPER. It is a fact, is it not, that when they consulted the ballots and the registry books they could tell exactly that these voters voted for Catlin, and that they investigated those 311 votes?

Mr. LINTHICUM. Yes. It is also shown, as I remember it, that they could take the registration books and compare the vote with the registration books and find out exactly for whom the voters had cast their ballots, and they found that out of the 311 each and every one had voted for the contestee.

Mr. ANDERSON of Minnesota. Is not the gentleman aware of the fact that none of these 311 persons were called in to testify?

Mr. LINTHICUM. No; they were not called in.

Mr. ANDERSON of Minnesota. Was it proved that these men were naturalized or unnaturalized?

Mr. LINTHICUM. They went upon the registration books as unnaturalized.

Mr. ANDERSON of Minnesota. I want to call the attention of the gentleman to the fact that the nativity of the voters was given, but that under the column devoted to remarks they neglected to state the places where they had been naturalized, and so far as the evidence shows there was no evidence to indicate that these people were not naturalized.

Mr. LINTHICUM. I believe some of them claimed they were naturalized by act of Congress. They were omitted and are not included in the 311. The reason why the whole 2,000 were not investigated was that there was not sufficient time in which to do it.

Mr. ANDERSON of Minnesota. Most of this evidence was brought in in rebuttal?

Mr. LINTHICUM. Yes; but I do not think it matters much whether it was brought out in the examination in chief or in rebuttal.

Mr. ANDERSON of Minnesota. I think it is very important.

Mr. BURKE of Pennsylvania. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Maryland yield to the gentleman from Pennsylvania?

Mr. LINTHICUM. I yield.

Mr. BURKE of Pennsylvania. The committee did find upon investigation that 311 of these votes were cast improperly, and as a consequence they threw out 2,000 votes of the same class?

Mr. LINTHICUM. The committee found that 2,000 unnaturalized voters had voted in that district who ought not to have voted. The committee was able in the allotted time to investigate only 311 of those cases, and of those 311 who were found to have voted improperly every one of them was found to have voted for the contestee.

Mr. BURKE of Pennsylvania. If the committee found that 311 had voted improperly, why should you go behind that and

find that in addition to the 311 who had voted improperly 1,689 more votes should be placed in the same classification? Would it not have been sufficient to have simply shown that 311 had voted illegally?

Mr. LINTHICUM. I say it was found that 2,000 voted illegally and that 311 were traced and were found to have voted for Catlin.

Mr. BURKE of Pennsylvania. As a consequence of that, however, they threw out the entire vote, in the aggregate 9,100 votes, and you say in your report that that was done because the committee found that there were 2,000 unnaturalized citizens who voted in the entire congressional district?

Mr. LINTHICUM. I will say that in addition to that the committee believed that the judges were bribed in the third ward, and that the Democratic and Republican committeemen worked in the interest of Mr. Catlin, both in the third ward and in the eighteenth ward.

Mr. ANDERSON of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. LINTHICUM. I will, as soon as I get through with this colloquy with the gentleman from Pennsylvania.

Mr. BURKE of Pennsylvania. Was there evidence supporting the allegation of bribery of election officers?

Mr. LINTHICUM. Certainly; evidence showing that prizes were offered to the judges of election for the highest vote cast for Mr. Catlin.

Mr. BURKE of Pennsylvania. But that is not within the subject of controversy here.

Mr. LINTHICUM. I beg the gentleman's pardon. Prizes were offered in that ward by the justice of the peace elected by the people to the judges and clerks of election in the presence of contestee.

Mr. BURKE of Pennsylvania. But these bribes were not offered to the election officers?

Mr. ANDERSON of Minnesota. Mr. Speaker, I believe we ought to have a quorum here while this case is under consideration. I make the point that there is no quorum present.

The SPEAKER pro tempore. Evidently there is not a quorum present.

Mr. HAMILL. Mr. Speaker, I move a call of the House.

The SPEAKER pro tempore. The gentleman from New Jersey moves a call of the House. The question is on agreeing to that motion.

The question was taken, and the motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

Mr. BURKE of Pennsylvania. Mr. Speaker, I move that the House adjourn.

Mr. HAMILL. Mr. Speaker, I make the point of order that a roll call is now in progress.

Mr. BURKE of Pennsylvania. I move that the House do now adjourn.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. BURKE] moves that the House do now adjourn. The question is on agreeing to that motion.

The question was taken, and the motion was rejected.

The SPEAKER pro tempore. The Clerk will call the roll.

Mr. ANDERSON of Minnesota. Mr. Speaker, I see that Members are returning, and I therefore withdraw the point of order that there is no quorum present.

Mr. UNDERWOOD. Mr. Speaker, I have just come into the Hall. Did the Chair announce that there was no quorum present?

The SPEAKER pro tempore. The Chair did.

Mr. UNDERWOOD. Then I suggest that the roll call proceed. It is too late to withdraw the point.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Adamson	Burke, Wis.	Davidson	Garner
Akin, N. Y.	Burnett	De Forest	Gillett
Ames	Byrnes, S. C.	Dickson, Miss.	Glass
Anderson, Ohio	Calder	Dies	Goldfogle
Andrus	Callaway	Draper	Gould
Ansberry	Cannon	Driscoll, D. A.	Gudger
Anthony	Cantrill	Driscoll, M. E.	Guernsey
Ayres	Cary	Pupré	Hamilton, Mich.
Barchfeld	Catlin	Dyer	Hanna
Barnhart	Clark, Fla.	Edwards	Hardwick
Bartlett	Collier	Ellerbe	Harrison, N. Y.
Bates	Conry	Esch	Hartman
Bell, Ga.	Copley	Estopinal	Hayes
Berger	Covington	Fairchild	Heald
Boehne	Cox, Ind.	Fields	Helgesen
Borland	Cox, Ohio	Finley	Henry, Conn.
Bradley	Cravens	Focht	Higgins
Brantley	Crumpacker	Foss	Hinds
Brown	Currler	Francis	Hobson
Browning	Daizell	Fuller	Houston
Burgess	Daugherty	Gardner, N. J.	Hughes, Ga.

Hughes, W. Va.	Matthews
Humphrey, Wash.	Mays
Humphreys, Miss.	Mondell
Jones	Moon, Pa.
Kindred	Moore, Tex.
Knowland	Mott
Konig	Murdock
Konop	Murray
Kopp	Nelson
Lamb	Norris
Langham	Nye
Langley	Palmer
Lawrence	Patten, N. Y.
Legare	Patton, Pa.
Lenroot	Pepper
Lindsay	Peters
Littleton	Pickett
Loud	Post
McCreary	Powers
McGillcuddy	Pray
McGuire, Okla.	Prince
McHenry	Pujo
McKenzie	Rainey
Macon	Randell, Tex.
Madden	Redfield
Maher	Reyburn
Martin, S. Dak.	Richardson

Riordan
Roberts, Mass.
Roberts, Nev.
Roddenberry
Rodenberg
Rothermel
Rouse
Rubey
Rucker, Colo.
Rucker, Mo.
Saunders
Scully
Sheppard
Sherley
Sherwood
Simmons
Sims
Slomp
Small
Smith, S. W.
Smith, Cal.
Smith, N. Y.
Speer
Stevens, Minn.
Stevens, Cal.
Sullivan

Talbott, Md.
Talcott, N. Y.
Taylor, Ala.
Taylor, Colo.
Taylor, Ohio
Thistlewood
Tilson
Towner
Townsend
Turnbull
Vare
Vreeland
Warburton
Watkins
Webb
Weeks
Whitacre
White
Wilder
Wilson, Ill.
Wilson, N. Y.
Wood, N. J.
Young, Mich.
Young, Tex.

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he answered "Present."

The SPEAKER. The roll call shows 200 Members present, a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

Mr. UNDERWOOD. Mr. Speaker, I ask leave to make a statement.

The SPEAKER. The gentleman from Alabama asks unanimous consent for one minute to make a statement. Is there objection?

There was no objection.

Mr. UNDERWOOD. On account of the congested condition of the public business it will be necessary for us to complete this case to-night. I hope that the Members of the House will remain here so that there will be a quorum, and no further delay in the transaction of business.

Mr. ANDERSON of Minnesota. Mr. Speaker, I yield 40 minutes to the gentleman from Ohio [Mr. SWITZER].

Mr. SWITZER. Mr. Speaker, in reply to the contention of the gentleman from Maryland [Mr. LINTHICUM] that there were 2,000 illegally registered voters in the third and eighteenth wards of the eleventh congressional district of Missouri, the district from which Mr. Catlin was elected as a Representative in Congress, I desire to say that there is no evidence, in or out of the record, to show that there were 2,000 illegally registered voters upon the list. There is not a scintilla of evidence showing that number. The only illegally registered voters were 31 in number. True, it is shown that there was a defective registration of 2,000 voters, but a defective registration does not make an illegal registration. I desire to say to the gentleman that before you prove that a vote cast and counted is illegal you must show something more than the mere fact that there was a defective registration. In other words, a man may be defectively registered and yet be a legal voter; and on that proposition there is no need for me to waste much time in argument. That question was decided by this House in the Broad Seal case from New Jersey in the Twenty-sixth Congress in 1840. This House then laid down this rule:

A vote being received as sound, the mere fact that a voter is an alien does not compel the party claiming it to prove the naturalization.

That was laid down as a rule in that case and has been followed ever since; and the mere fact that some clerk has left off the name of the court or something else from the registration list, while it makes a defective registration, does not make out of that alien-born, whose name is enrolled there, an illegal voter.

See report of the majority of the committee in the Broad Seal case on pages 1032 and 1033, Hinds' Precedents, volume I, as follows:

A minority of the committee were of opinion that it was sufficient for the party objecting to the vote to prove that the voter was alien born, and that the burden of proof was thereby thrown upon the party for whom the vote had been rendered at the poll to prove that the voter had been naturalized. And it was urged with great earnestness that to adopt any other rule of evidence would be to depart from the plainest principles of law and reason—to impose upon the party objecting to a vote the proof of a negative, and a negative, too, which nothing short of searching of every court of record having common-law jurisdiction, a clerk, and seal, and in the Union could possibly establish.

Without minutely criticizing the argument, it is deemed proper to inquire to what practical consequences the rule would lead if it be fully admitted; for the proposition is to be taken, not as a mere abstract announcement of the order of proof, but as practically applicable to the decision of cases of contested election in the House of Representatives.

The committee, as the organ of the House, have a positive affirmative proposition to adjudge and declare before a sitting Member can be



displaced or a single vote received for him at the polls can be ejected from the ballot box. Before a Member is admitted to a seat in the House, something like the judgment of a court of competent jurisdiction has been pronounced on the right of each voter whose vote has been received; and in order to overturn this judgment it must be ascertained affirmatively that the judgment was erroneous. Prima facie, it is to be taken that none but the votes of qualified voters have been received by officers whose sworn duty it was to reject all others. This principle will be found to have been solemnly and unanimously declared by the committee, as a basis of future action, soon after entering upon the investigation of this case. (See Rept. No. 500, p. 46.)

It is not sufficient that there should exist a doubt as to whether the vote is lawful or not; but conviction of its illegality should be reached, to the exclusion of all reasonable doubt, before the committee are authorized to deduct it from the party for whom it was received at the polls. Will the mere naked fact that a voter was alien born, in the absence of all other proof, produce such conviction on any candid mind? Is it not already answered, or rather, is not even a presumption from that fact alone precluded, by the judgment at the polls? All foreigners from birth are not disqualified from voting, but only a certain class. Are we to presume that the voter, whose vote has been received by the officers of the election, to be of the disqualified or the qualified class? The question is answered by the unanimous resolution of the committee already referred to, as well as by the reason and analogy of the case.

The committee can not believe that the House of Representatives would eject a Member from his seat upon the mere proof that every man of his constituents was alien born. It is not apprehended that, after an election has been regularly held, the House would even consider an investigation necessary upon a petition which alleged no other fact.

\* \* \* The proper season to demand such proof is at the polls. There the voter is the actor; he comes forward claiming to exercise a right, and there he should prove his qualification. Where the case assumes the form of a contested election between other parties, the disqualification must be made out by the party seeking to overthrow the right of the sitting Member thus acquired at the polls.

Mr. RAKER. Will the gentleman yield right there? I have asked the question two or three times, and I will ask the gentleman, Is there any evidence in this record that these men were actually aliens and were unnaturalized?

Mr. SWITZER. I will answer that in this way: My recollection is that the registration list shows that there were 2,000 persons registered in those two wards who were of alien birth, Germans, Jews, or other aliens, giving their places of birth. But the registration list does not show in what courts they were naturalized or that they had naturalization papers.

Mr. RAKER. Did the committee in any instance in regard to any one man that voted determine, as a matter of fact, that he man was not or was naturalized?

Mr. SWITZER. No; I never heard such a proposition advanced when I was present in the committee, but I was not present at all the meetings.

Mr. RAKER. Then, from the record no one can say that a man was nor or was naturalized?

Mr. SWITZER. No; except 31. They sent out a list of names of 4,000 voters from the whole congressional district, not from the two wards, and out of 4,000 they were unable to find 31 persons whose names appeared on the registration rolls, and by that sort of negative evidence we concede that likely out of the 2,000 alien born who were defectively registered that 31 of them voted for Mr. Catlin and were illegal voters, and that these votes should be deducted from Mr. Catlin's vote; but that does not change the result.

Mr. LINTHICUM. Will the gentleman yield?

Mr. SWITZER. Yes.

Mr. LINTHICUM. Let me read from page 15 of the record, section 53—

Mr. SWITZER. Oh, I can not allow the gentleman to read in my time; I have only 40 minutes. I say that if you will take the time to read the pleadings, and I doubt whether many gentlemen have read this record and the pleadings, although it seems to me it is a serious enough matter that gentlemen ought to read the pleadings and the testimony, especially when you vote to unseat a man. I desire to say that in the matter to which the gentleman from Maryland refers, that while the contestant in his notice avers that there were 2,000 voters that illegally registered and voted for Catlin, the contestee in his answer specifically denies it, so that it throws the burden of proof upon the contestant.

Mr. LINTHICUM. Will the gentleman yield?

Mr. SWITZER. No; I can not yield. The contestee goes further and makes a subsequent averment in his answer and says that there were 3,000 voters illegally registered under assumed names and in various ways in this district that voted for Gill. That is another set of voters. That is not the set of voters mentioned in the contestant's notice of contest that voted for Catlin. Recollect that these 2,000 men, these foreign-born voters, lived in that ward. So there is no admission in the pleadings; that is a stretch of the imagination. It is specifically denied by the contestee, and he makes a counter averment that 3,000 were illegally registered who voted for Gill, and the contestant filed no denial of that averment. You might say that that was an admission on the part of the contestant, but it would be unfair. The truth of the matter is both parties

must produce evidence to support the allegations of the notice of contest and the answer thereto, if I understand the law correctly.

But I do not want to get too far away from the main purpose that I started out on. This House has decided that you must prove something more than the mere fact that an alien born has been defectively registered; you must go further and prove that that man was not a naturalized citizen at the time he voted. Not only that, but the Supreme Court of Missouri, following, I suppose, this decision, has settled this case. That is the very question that came up in the Supreme Court of Missouri, and that court held that a defective registration, some neglect, something left undone by a clerk, as failing to record the name of the court issuing the naturalization papers to the voter or to note that the voter was naturalized, would not disqualify the judges from accepting the vote of the person who appeared and answered to the name on the roll.

I notice that the majority in their report admonish us to follow the statutes and decisions of the proper officials of States in this matter, and if you are going to do that, that disposes of the whole 2,000 claimed to be illegally registered votes. The Supreme Court of Missouri has passed on that question, and, as I said, these men are legally entitled to vote. Before you have the right to reject a vote cast by an alien born because of defective registration, merely showing him to be foreign born, you must not only show that he is not now naturalized, but you must show for whom he voted.

Now, in reply to the contention of the gentleman that Theron Catlin had knowledge of the large expenditure of money during his campaign, that the congressional committee was invited to his father's residence, and that he was present with them, I would inquire of the gentleman what is the purpose of a congressional committee? Why did the statutes of Missouri provide for the election of a city committee which, by virtue of its office in the respective districts throughout the State and cities, would become a congressional committee? Why, it was for the very purpose of looking after the interest of the party candidate.

Mr. LINTHICUM. Daniel Catlin and Daniel Kirby were not members of any congressional committee.

Mr. SWITZER. Daniel Catlin and Daniel Kirby were not members of a congressional committee, but by a stretch of the imagination you might say that they were a voluntary committee under the statutes of Missouri. But whether they were a voluntary committee or not, or just individuals, did not they have the right to expend an unlimited amount of money providing they expended it in a legal way?

Mr. LINTHICUM. Could they expend any money without accounting for it through the courts of Missouri?

Mr. SWITZER. Daniel Catlin could because there is no law under the statutes of Missouri that requires him to make an accounting. If you call Catlin and Kirby a voluntary association, then it was their duty to have selected a treasurer and kept books and accounts and filed a publicity statement under the statutes of Missouri. But if they failed to do that, or if they refused to do that, what right have you to penalize Theron Catlin because of some violation of the law on the part of his father or Mr. Kirby or of some stranger of whom he had no knowledge? I can not understand that sort of reasoning.

Improper acts by a candidate's friends without his participation are of effect only so far as they are shown to have actually affected the result.

In absence of evidence to incriminate him a returned Member is presumed innocent as to acts of agents of his party. (See *Duffy v. Mason* (New York), 46th Cong., sec. 944.)

But the gentlemen say that there were 35,000 flags circulated in the district. That is the evidence; but there is no evidence that Catlin saw one of these flags. But suppose he did, would not he have the right to assume that a congressional committee whose function was to solicit and collect funds and expend them in the interest of a candidate for Congress, had likely procured and distributed them, and that it was being done in a proper and legitimate manner and in conformity with the statutes of Missouri?

Why certainly. Are you going to turn Theron Catlin out because his father or Mr. Kirby bought 35,000 flags and distributed them in that district? But the gentleman says, turn him out, because Theron Catlin knew that this congressional committee were taking an active interest in his behalf, and yet that was their function. You would not have a committee that would not evince some interest in your candidacy during a campaign, would you? I can not understand the reasoning of the gentleman. He says that the mere fact that this committee had a meeting at Theron Catlin's father's house and that he was there present with them was notice to him, Theron, that his father was spending money in his behalf. How was it? There is something to be proved. The burden of proof is upon

the contestant. They say they do not believe the father, the brother, the sister, and the contestee on these matters, because they are interested; but what evidence have you of these transactions except what you have got out of interested parties, if you call these people interested? You have no other evidence of the expenditure of money of the \$10,200, except as it has been given to you by Daniel Kirby, who was the agent and attorney of Daniel Catlin. You have no other evidence.

Mr. GOEKE. Mr. Speaker, will the gentleman yield for a question?

Mr. SWITZER. Certainly.

Mr. GOEKE. Was candidate Catlin in a position to know that his father and brother were spending large sums of money for him?

Mr. SWITZER. Why, the minority of this committee believe that he was not.

Mr. GOEKE. I am asking the gentleman what his opinion is.

Mr. SWITZER. I am of the minority, and I am with them upon that proposition. I do not believe that he knew, and to convince the gentleman I will put this question to him: Suppose the gentleman's son were a candidate for Congress in that district and the gentleman was a wealthy man—and probably he may be as wealthy as Mr. Catlin—and he had a notion to assist his son and knew that his son could only expend \$662, especially after consulting with an attorney of high standing that attorney had advised him that he could spend legally any amount of money he wanted to provided that he did not let his son know it, and he was doing that; would he not have done just as Daniel Catlin or any other father would have done for his son?

Mr. GOEKE. May I answer that question?

Mr. LINTHICUM. Mr. Speaker, will the gentleman yield?

Mr. SWITZER. One at a time, please. Recollect that this is my first introduction to a debate in this House.

Mr. GOEKE. I would like to answer the question that the gentleman put to me. If I had a son, under the circumstances that the gentleman has detailed, and he would not have discovered that I was spending large sums of money to buy him a seat in Congress, I would disown him.

Mr. SWITZER. The gentleman might do that; but listen to the facts and then make up your mind, not upon what somebody will do who is prejudiced or because somebody will mistreat his own child, or something of that kind. Some people do. Look at the facts. In the summer of 1910 Daniel Catlin was in New Hampshire at his summer home. Theron Catlin was in Missouri, at St. Louis. I will ask gentlemen to follow me just a few moments. The father was in New Hampshire, and he stayed there until just a few days before the election, I think 10 or 12, the very last part of October, before he came home. How could Theron Catlin have access to any checks or stubs of checks that the father gave when he was in New Hampshire? How was Theron Catlin associating with his father at his father's house in St. Louis when that father was in New Hampshire? I do not know whether the father was purposely staying there or not, and I do not care if he did not want to see his son. If he did not want to have his son have knowledge of the matter, that was his business.

Knowing the fact that Daniel Catlin did not get home until the latter part of October, and knowing that Mr. Catlin, having had the advice of an eminent lawyer, knew that he should not notify his son that he was spending any large sum of money in his son's behalf, when the old gentleman came home it would not be expected that he would break his neck to tell his son.

Mr. HAMILL. Mr. Speaker, will the gentleman yield?

Mr. SWITZER. I desire to say that I am speaking now in defense of Theron Catlin. It does not matter what the old gentleman was doing, so long as the old gentleman was not violating the law, and you can not put your finger upon a scintilla of evidence that shows that Daniel Catlin violated any section of the law of the State of Missouri, nor Theron, either.

Mr. HAMILL. Why should not the father, being a highly honorable man, a citizen of high social and civic standing, have regard for the spirit that regards publicity of campaign contributions as desirable and form himself and his attorney into a committee and let the public know that he was spending \$10,000?

Mr. SWITZER. I can not give the reasons. I have given you what I thought the reasons were. I do not care what actuated the father. The fact is that he did not notify the son, and the fact is that he testified that he did not notify the son; the son testified that he did not; the brother testified that he did not. Mr. Kirby testified, and they all testified, and in the face of that affirmative evidence to the contrary, you are going to say that he had notice? If he had heard of some stranger spending two or three hundred dollars or a thousand dollars in his behalf, he would have to go out with a club, I suppose, and

stop him, or something of that kind. That is about the sum and substance of this kind of argument. Why, the gentleman himself asked the attorney for contestant whether he meant to say that if a candidate finds that somebody is spending money in his behalf that candidate must go and stop him. He put that question to one of the counsel himself, it so surprised him. Of course, he would not do such a thing, and you would not do such a thing, nor I, especially if you learned that that man is spending the money for a legitimate purpose.

Mr. HAMILL. Will the gentleman yield for another question, and then I promise not to interrupt him again?

Mr. SWITZER. One more question.

Mr. HAMILL. Is it not a fact that under the law the father and the attorney and the brother could have constituted themselves a committee?

Mr. SWITZER. I have said so once.

Mr. HAMILL. And could have expended the money and then obeyed the law and 30 days after the election filed a report, and the son need never have known that a dollar was being expended for him until 30 days after his election?

Mr. SWITZER. They thought they could, I suppose, but they did not, and what right have you to penalize Theron Catlin—

Mr. HAMILL. Does the gentleman remember—

Mr. SWITZER. By kicking him out of his seat?

Mr. BARTHOLOLT. Will the gentleman yield for a moment? It seems to me the gentleman from New Jersey is giving his whole case away. He insists in his majority report that he must have known, and now he says he did not need knowledge which—

Mr. SWITZER. I will not yield any further.

Mr. HAMILL. The logic of the gentleman is very bad.

Mr. SWITZER. But upon this question of notice, and I have given this considerable attention and a good deal of hard study, not maybe as much as some other gentlemen in this House, but I say upon this question of notice, if Theron Catlin did have notice his father was expending this large sum of money in his behalf and for a legitimate purpose, for which the record shows it was expended, he has not violated any of the corrupt-practices act of the State of Missouri by not including in his publicity statement or oath thereto the fact that his father had expended the sum of \$10,000, or an amount unknown to him. I want you first to understand that the minority believe that Theron Catlin swore to the truth that he had no notice, but even if he had notice, it was not a violation of any section of the corrupt-practices act. If there was no State statute on the subject you certainly would not oust him; but because of the publicity statute, which is loosely thrown together, it is claimed by the majority of the committee that it is necessary for Theron Catlin to have included this amount or made some mention of it in his publicity statement.

If gentlemen will just give me their attention for a few minutes, I will probably be a little slow and perhaps a little worrisome upon this subject, but it seems to me like this is one of the crucial places in this case; it seems to me that the proposition is to oust this contestee upon a mere claimed technicality which, in my opinion, does not exist in the statute. If you will read Clark and Skyles on the "Law of Agency," which the majority side bring forward in support of their contention, you will find that in order to establish agency by ratification the alleged agent must have assumed to contract in the name of the man who is claimed to be his principal, and if the knowledge of that fact comes to the principal afterwards, and he does not disclaim it, it would be a ratification, but recollect that the evidence in this case shows conclusively that Daniel Catlin acted for himself and used his own money and never at any time acted in the name of his son. He stated distinctly on numerous occasions that he was acting for himself and not for his son. So there can be no such thing as a ratification in this case. Why, you can not bind me by going out and doing something I have not requested directly or indirectly, but if you do it in my name and then knowledge comes of that fact to me and I make no disclaimer, after a long lapse of time sometimes that becomes a ratification. But that is not this case.

#### AGENCY BY RATIFICATION.

See Clark and Skyles on "Agency," section 75, which, in part, reads as follows:

Agency of parent for child: The mere relationship of parent and child does not of itself make the parent the agent of the child to manage or dispose of his property or for any other purpose, whether the child is a minor or of full age. \* \* \*

A majority of the committee quoted from page 339 of Clark and Skyles on "Agency," volume 1, laying down the following principle of law, to wit:

Although, as a general rule, a principal must have full knowledge of all the facts, as we have seen before, yet the principal can not purposely remain ignorant where the means of information is within



his control so as to escape the effect of his acts that would otherwise amount to a ratification.

But this principle of law is qualified by another principle of law to be found on page 340, paragraph C, which reads as follows:

Act must be performed on behalf of the principal. It must be remembered, also, that the doctrine above discussed applies only to unauthorized acts performed in the name of the assumed principal. "The general doctrine that one may, by affirmative acts, and even by silence, ratify the acts of another who has assumed to act as his agent is not disputed. It is illustrated by many cases to be found in the books, and set forth by all the text writers upon the law of agency. But the doctrine properly applies only to cases where one has assumed to act as agent for another, and then a subsequent ratification is equivalent to an original authority."

I desire to call your attention to this publicity statute. I think all who have followed this case agree that the expenditure allowed of \$662 is a personal expenditure solely of the candidate for office in this case, but there is a publicity statement required of a candidate for Representative in Congress. Now, if you will just give me your attention for a few moments, I will read just a portion of it, as I do not desire to weary you. This is an extract of this statute 6047, and it says this: The candidate shall file a statement in writing setting forth in detail—

All sums of money, except all sums paid for actual traveling expenses, including hotel or lodging bills, contributed, disbursed, expended, or promised by him—

Recollect, by him—

and, to the best of his knowledge and belief, by any other person or persons in his behalf, wholly or in part in endeavoring to secure or in any way in connection with his nomination or election to such office or place.

Now, if you exclude that clause "contributed, disbursed, expended, or promised by him," and I want to call attention that in the brief of these gentlemen I do not know why they put a semicolon after "contributed," when the statute has a comma. I do not know whether it is intentional or not. There is not a semicolon after the word "contributed" in this statute. I say, "contributed, disbursed, expended, or promised by him" is the clause that is used and there is a comma after the word "him," and when you do that I think you have to say that the money expended by the contestee and the other qualifications means his own money and no other money. If you exclude this clause that statute is meaningless, and you can not make any sense out of it. If you include it, necessarily the section refers to and means the candidate's money. If you will read the title to that statute it will show you it relates to personal expenditures of the candidate under section 6046. The title shows it, and the construction put upon it by the contestant himself shows it. If you will go to the contestant's publicity statement that he filed in St. Louis, a copy of which appears in the record, you will find that he did not mention any money other than the money that he was allowed to spend under the law, and if you will take the time to read the record you will find that upon one occasion John Y. Patrick, I believe, was at his own house, and a check for \$260, given by the treasurer of the Democratic committee, was broken up and distributed by contestant, giving his individual checks of \$20 each to 13 committeemen.

You say you traced this money home. You will trace it to the home of the contestee. You say you traced this money to his father's house, where the contestee slept and where he boarded. What about this \$260? It is traced to Gill's house.

Recollect that the man who gave the check does not deny it. Recollect that he never filed a publicity statement. Recollect that this was traced to Gill's house, and in the presence of all of those committeemen he, by his own hand, issued 13 checks to them. It is not denied. He can not deny it. Four or five witnesses testified to it. It is admitted. But when Mr. Gill files his publicity statement does he say anything about this transaction? No.

Why, gentlemen, that is the way to construe it. That is the way they all construe it in Missouri. What reason is there for him to say anything about money that somebody else expends? The law provides the means for making that public. The way is this: That the committee appointed or elected shall have a treasurer, and that treasurer shall make a statement and file it before the clerk of deeds or some other designated official of the county. Recollect that is the construction put upon this publicity act by the contestant himself. Recollect that the Legislature of Missouri recognized that to be the construction, because they provided a method by law for these other persons to make publicity statements, and it would be foolish for the contestee, if he found out what they were doing, to include in his statement all the other publicity statements that might be made in this district by candidates of the ticket on which he is running. It would be foolish.

Now, gentlemen, it seems to be clear that if you are going to say that Catlin made a defective publicity statement you must also say that Gill made a defective publicity statement, and what right have you to seat him if you unseat Catlin? Recollect this can not be gainsaid.

If you will take the trouble to read the report, you will see it is established by four or five witnesses. Gill does not go on the stand. The man that gave the \$260 check does not go on the stand, and I suspect that the man who got the \$260 check came right back to about the source where that \$260 check started.

I suspect that in place of \$20 going to each committeeman of that ward, \$20 went to each of the 123 committeemen of the entire district. But, of course, you have no right to cast a man out on that. But you would have just as much right to do that as you would have to base your action on such far-fetched inferences and presumptions as are advocated by gentlemen on the other side of the Hall. If making a defective or false publicity statement is going to damn Catlin, how can you seat Gill?

Gentlemen, take the time to read the publicity statement of Byrne, treasurer of the Democratic congressional committee. That publicity law provides that he should file a statement of receipts and expenditures—not in just that many words, but to that effect. But that treasurer does not show by his statement that he received any money from anybody. He has got no receipts, and he has got only two items of expenditure. One is an item of \$250 to some committeemen, not naming them—and the law says he should name them—and the other item is \$300 for sundries.

So they say that Catlin did not include in his statement the \$60 that was spent for drinks and refreshments. But he states in his testimony that he did. And I presume that it is included in "et cetera" appearing in the \$381 item, the last item of his statement. And it is as permissible for him to include drinks and refreshments under this head as it is for Mr. Gill to set out in his statement of \$150 item of "refreshments for club," without detailing the kind of refreshments; or for Mr. Byrne, treasurer of the Democratic committee, to set out in his publicity statement a \$300 item to "sundries," which would include most anything, and, of course, beer, whisky, and so forth. Gentlemen, recollect there are many saloons and hundreds of clubs in this district; and the record discloses that the contestant, Gill, personally spent money freely in the saloons of this district.

Mr. HOWARD. Mr. Speaker, will the gentleman yield?

Mr. SWITZER. I can not yield on account of lack of time.

The SPEAKER. The gentleman declines to yield.

Mr. SWITZER. Recollect that Byrne did not comply with the law. Recollect that Byrne was treasurer of the Democratic congressional committee. If the acts of a committee or of a stranger or of a father, who are making legitimate expenditures, can condemn a candidate and can be considered grounds for ousting him from his seat, you will have to leave out Mr. Gill.

The SPEAKER. The time of the gentleman has expired.

Mr. SWITZER. I would like to have five minutes more.

Mr. ANDERSON of Minnesota. Mr. Speaker, I yield five minutes additional to the gentleman.

The SPEAKER. The gentleman from Ohio [Mr. SWITZER] is recognized for five minutes.

Mr. SWITZER. So, gentlemen, there being no law on the statute books of the State of Missouri prohibiting Daniel Catlin or anybody else in that district from expending all the money that they can legitimately expend in the candidacy of a person running for Congress, and this record failing to show that a single voter was corrupted; that a single vote was cast outside of the 31 that should not have been cast—and that, of course, would not change the result—the record showing these facts, why should you say that because the father spent, through an attorney, money which he believed could be legitimately spent, the son should be ousted? The father employed an attorney whom he thought was an honorable man, and whom he believed knew the law, as he himself testifies, because he did not want to do anything contrary to law. He got the best legal advice and the best legal talent he knew in St. Louis, and he did everything he could to protect himself. That man has done everything in a perfectly legitimate way. But the majority of the committee assume, apparently, that because \$10,000 was expended somebody was corrupted. That is not the law. You must show that some votes were corrupted.

Mr. RAKER. Mr. Speaker, will the gentleman yield right there?

The SPEAKER. Does the gentleman from Ohio yield to the gentleman from California?

Mr. SWITZER. Yes.

Mr. RAKER. In section 6046 of the Revised Statutes of the State of Missouri I see this language—

Mr. SWITZER. The amount to be expended by a candidate is determined.

Mr. RAKER. The law provides:

No candidate for Congress or for any public office in this State, or in any county, district, or municipality thereof, which office is to be filled by proper election, shall, by himself or by or through any agent or agents, committee, or organization, or any person or persons whatsoever, in the aggregate pay out or expend, or promise or agree or offer to pay, contribute, or expend, any money or other valuable thing in order to secure or aid in securing his nomination or election or the nomination or election of any other person or persons, or both such nomination and election.

Mr. SWITZER. You need not go further. In the case of a candidate for Congress the amount prescribed is \$662.

Mr. RAKER. Does not that apply to all committees?

Mr. SWITZER. No. It applies only this far: If a candidate gives \$200 to the congressional committee, he must state it in his publicity statement. Mr. Catlin did that. He says in his publicity statement that he gave his congressional committee, \$100. What was the use for him to set out what the congressional committee had expended? He sets out what he gave them, and they are supposed to set out in their publicity statement what they solicited, collected, and disbursed in his candidacy.

And recollect that the function of that committee was to work for Catlin and not for anybody else; and because they were working for Catlin is no evidence that he should presume that they were expending money illegally in his behalf, or money that was coming from his father, any more than money they collected from some other rich man who might be his friend. It appeared that another man did give \$250, one Chester Kern, a lawyer there. And it seems that Catlin's father never knew until the contest came up that this man Kern had contributed \$250. But if the congressional committee received it, they should make their publicity statement.

But I say, gentlemen, that some of these decisions go this far, that a conspiracy to bribe and the receiving of money and giving it to the voter does not vitiate an election beyond the actual votes shown to be affected. See *Bowen v. Buchanan*, Fifty-first Congress; also see the following authorities as to rejecting whole wards or individual votes:

First. *Broad Seal case* (sec. 801, *Hinds' Precedents*): An election being honestly conducted, the reception of illegal votes does not vitiate the poll.

Second. *Threeth v. Clark* (Alabama), Fifty-first Congress, section 1925: Although there may be evidence establishing a conspiracy to defraud, it is still necessary to show effects in order to change the result.

Third. *Hill v. Catchings* (Mississippi), Fifty-first Congress, section 1039: In a district shown to be permeated by fraud and intimidation the contestant must still show sufficient effects to change the result.

Fourth. *Chalmers v. Morgan* (Mississippi), Fifty-first Congress, section 1035: Where the examination so far as made showed fraud, but not sufficient to change the result, the House declined to presume fraud as to other boxes which might change the result.

Fifth. *Wise v. Young* (Virginia), Fifty-fifth Congress, section 1102: Although the fraud in a district may be extensive, the House prefers to purge the return rather than declare the seat vacant.

Sixth. *Walker v. Rhea* (Kentucky), Fifty-sixth Congress, section 1118: The mere existence of frauds and irregularities do not vitiate an election if not shown to be sufficient to change the result. (See also, *Horton v. Butler* (Missouri), 57th Cong., sec. 1122; *Wilson v. Lassiter* (Virginia), 57th Cong., sec. 1127.)

The mere existence of frauds and irregularities do not vitiate an election if insufficient to affect the result.

Seventh. *Watson v. Black* (Georgia), Fifty-third Congress, section 1055: Bribery being proved, the House deducted the tainted votes, but did not reject the whole.

You have got no right, because some stranger or a father, or brother, bribes some voters, to throw out a whole ward. You would merely throw out the votes that were bought, would you not?

But not a single act of bribery has been proven in the pending case.

Something has been said about prizes being offered by the Republican congressional committeeman, Reichman, to the Republican judges and clerks of election of his ward. But the man who made this statement took it back on cross-examination, and it is clearly established by seven or eight other witnesses that the talk about prizes was merely a joking remark made by a man named Pins.

No evidence whatever that anybody took this joke seriously and ever acted upon it, or that any judge or clerk ever got a prize, or ever expected to receive one. And yet the majority membership of the committee propose to oust the contestee upon such flimsy testimony of corruption, and the fact that the registration list of voters for the third and eighteenth wards of this congressional district discloses a defective registration of 2,000 persons, alien born; because of the failure of the registry clerks to note on the registration book whether or not these persons were or were not naturalized. This mat-

ter was passed upon by the Supreme Court of Missouri, which held that all of these identical persons who voted were legal voters and that the same were legally counted.

The disfranchisement of the 9,000 voters of these two wards by throwing out the entire vote upon this so-called "evidence," thereby overturning the decision of the Supreme Court of Missouri and disregarding the long and well-established precedents of this House, would manifest a determined purpose to turn Theron Catlin's plurality of 1,394 votes into a majority of 431 for Patrick Gill, and brand such action as a deliberate, outrageous throttling of the will of the people of the eleventh congressional district of Missouri, concerning which they would undoubtedly speak in no uncertain tones through the ballot box next November. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman has again expired.

Mr. ANDERSON of Minnesota. I yield five minutes to the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. Mr. Speaker, it is impossible to make an argument of this important matter in five minutes; but I wish to call attention to some things that seem to me to be of importance. I notice that in quoting the law relating to expenditures in election cases in Missouri the majority in their report have left out a line which has great significance and is very important. I hold in my hand the revised statutes of the State of Missouri for 1909, upon the title page of which it is declared that it was "revised and promulgated by the forty-fifth general assembly." Section 6046 begins in this way:

SEC. 6046. Amount to be expended by candidate—how determined.

That is not a headline or side note inserted by a compiler or printer. It is the language of the legislature itself explaining and defining and limiting the scope and purpose of the section. That is part of this enactment of the legislature and, taken in connection with what follows, shows clearly that what is forbidden is the expenditure of more than a graduated scale—in this instance amounting to \$661—by the candidate himself, either directly or through the agency of another. It must be the candidate's own expenditure, made either in person or through another. It must be the candidate's own money. When you inject into the case expenditures made, not by a candidate, but by his cousins and his sisters and his aunts or his father or his uncles or his brothers or by strangers, you inject something which is not found in the act of assembly. It is not made illegal for persons other than the candidate or those acting as his agents to expend more than \$661.

Suppose Theron Catlin's father did expend \$3,500 for flags to be distributed among school children. Is the distribution of the American flag among school children illegal in Missouri? Even if it were illegal, if done as it was done by others and not by Theron Catlin, how does it affect Theron Catlin's right to a seat in this House? They say, "But do you suppose he did not know it?" The evidence is that he did not know that his father and brother were expending money; but suppose he did know it. This statute applies only to money expended by the candidate. He may either expend it himself or through his agent or some other person, but it must be his expenditure. It must be his money. I have not heard even a claim made in this argument that Theron Catlin expended a cent in excess of five hundred and some odd dollars, or that there has been any expenditure of his money in excess of the legal amount.

So much on that point. Then they have thrown out, according to the majority report, some 9,000 votes, disfranchising two whole wards. The reason they give is that certain precincts were thrown out in the *Wagner-Butler* case some years ago.

Why, the law is, Mr. Speaker, that when a return is shown to be fraudulent and it can not possibly be ascertained how many legal votes, if any, were cast in the precinct, you throw out the precinct. In the *Wagner-Butler* case ballots that were cast at the election were not in the box when it was opened. They had been fraudulently abstracted and other ballots put in their places outnumbering the persons whom the poll books showed to have voted. You could not tell how many honest votes were cast in a number of districts, consequently those districts were cast out. This is not such a case. There is no evidence, as I understand it, that these 2,000 alleged unnaturalized persons voted for anybody. They say they pursued only 311 of them. It is the easiest thing in the world under the statutes of Missouri to ascertain if there was fraud in that particular. When a man votes his name is put in a poll book, and the number upon his ballot is the same number as the one opposite his name in the poll book. All you have to do is to open the ballot box, take out a ballot, look at the number, compare it with that number in the poll book, and you know at once the name of the



voter and the name of the candidate for whom he voted. Why did they not do that?

Mr. SWITZER. They did that.

Mr. LINTHICUM. Mr. Speaker—

Mr. OLMSTED. Mr. Speaker, I must decline to yield. I have only a moment left.

The SPEAKER. The gentleman declines to yield.

Mr. OLMSTED. If any number of unnaturalized foreigners voted it was the easiest thing in the world to find for whom they voted. They found no illegal votes, and yet they threw out two wards—9,000 votes. In the whole history of Congress there is no precedent for such an outrage. We are sitting here as judges. I appeal to gentlemen upon the other side who wish to do justice. I submit to them that the unseating of this Member is not at all justifiable. I wish I had more time to elucidate my views. This act of the General Assembly of Missouri applies only to money expended by the candidate. Had it been the intention to forbid the expenditure of more than a certain sum by anybody else, the legislature could readily have found apt words to express its intention. It is not even pretended that Theron Catlin spent any money improperly, or that he spent one cent more than the law permitted.

On the other branch of the case there is, if possible, even less basis for this proposed action. The vote of a precinct can not lawfully be thrown out and the precinct disfranchised unless the return has been proved fraudulent, and it is impossible to ascertain how many legal votes, if any, were cast. Here the return has not been proved fraudulent, and if it had been it would be perfectly easy to determine just what unnaturalized foreigners did vote and for whom they voted.

It is easier under the statutes of Missouri than under the statutes of any other State that I have had occasion to examine. If they had looked at these ballots they could have told for whom the votes were cast.

Mr. SWITZER. They did look at them.

Mr. OLMSTED. If they did not look at them, there is no justification for throwing out those wards. If they did look at them there is still less, for they found no fraudulent votes save 31, which would not affect the result.

The burden is upon the contestant to prove any foreign-born person voting was not naturalized. This was not done. Before a single vote can be taken from Catlin it must be shown that it was illegal and that it was cast for him. There is no proof upon either point, but without evidence and without even a decent pretext you propose to throw out more than 9,000 votes. If there were a single dishonest vote among them it could easily have been shown. It was the duty of the contestant to prove it. He has not done so, but the honest voters of two whole wards are to be disfranchised and their honest votes not counted. The unseating of Theron Catlin, upon the facts of this case, will be a monumental outrage, a travesty upon justice, and a disgrace to the party which exercises its strength to perpetrate such an infamy.

Mr. ANDERSON of Minnesota. I yield five minutes to the gentleman from Wisconsin [Mr. COOPER].

[Mr. COOPER addressed the House. See Appendix.]

Mr. HAMILL. Mr. Speaker, that is the most amusing argument that, I think, has ever been offered to this House, certainly the most peculiar construction of this statute that has been so far made. It is, of course, very much in favor of the contestee in this case. The difficulty with it is that it outrages the plain reading of the statute, in the first place; and, in the second place, it disagrees totally and absolutely with the construction put upon it, not only by the committee and the contestant and his attorneys but also by the contestee and his attorneys.

Mr. ANDERSON of Minnesota. Oh, I ask the gentleman to yield there.

Mr. HAMILL. I will not yield until I make one other statement.

Mr. ANDERSON of Minnesota. I say if the gentleman says that that is my construction of the law, he says something that is not true.

Mr. HAMILL. Very well. Then I commiserate with the gentleman upon the fact that he construes it as my friend from Wisconsin [Mr. COOPER] does.

Mr. COOPER. Mr. Speaker, will the gentleman permit a question?

Mr. HAMILL. Oh, if we had lots of time, I would be delighted to yield in this discussion.

Mr. COOPER. The gentleman heard the law and the title of the statute read by the gentleman from Pennsylvania [Mr. OLMSTED]?

Mr. HAMILL. Oh, gentlemen, we have got to get down to some theory of things in this case. The law is as follows:

No candidate for Congress or for any public office in this State, or in any county, district, or municipality thereof, which office is to be filled by proper election, shall, by himself or by or through any agent or agents, committee, or organization, or any person or persons whatsoever, in the aggregate pay out or expend, or promise or agree or offer to pay, contribute, or expend, any money or other valuable thing in order to secure or aid in securing his nomination or election or the nomination or election of any other person or persons, or both such nomination and election, to any office to be voted for at the same election, or in aid of any party or measure, in excess of a sum to be determined upon the following basis, namely:

He shall not pay more than a certain amount proportioned on the number of votes cast at the preceding election. In this instance it would make \$662, and so satisfied is the contestee and his attorneys that this is the proper reading of the statute that they have labored diligently to show the fact that Theron Catlin expended something like \$550, through himself, and that he never expended a single dollar through any agent whatever.

Mr. COOPER. That is the exact point I make. You must prove the agency. That is the point I make, exactly.

Mr. HAMILL. We did prove the agency, as the gentleman could have seen had he listened to the discussion. Let me show you how Theron Catlin knew that Daniel Kirby was managing his campaign. If you will read the minority report, I think on page 13—though I will not be sure of the page—you will find that Nat Goldstein, in talking to Theron Catlin about the dinner, said to Theron, "Why don't you invite Dan Kirby?" and Theron said, "No; you invite him." Nat evidently thought that Kirby would get the impression that he was going to milk him [laughter on the Democratic side], and so he said to Catlin, "No; you tender him the invitation to come here"; and Theron Catlin invited him. If Theron Catlin did not know that Dan Kirby was managing his campaign, how did it ever occur to him to consider that of all men Dan Kirby, any more than John Smith or John Jones, was so necessary a factor that he ought to be invited to take his place and sit down at a conference of a congressional committee?

Mr. COOPER. Will the gentleman permit a correction? He is misstating the evidence.

Mr. HAMILL. Oh, well, we have read the evidence.

Mr. COOPER. I have it right here.

Mr. HAMILL. And a gentleman who considers it for five minutes of course thinks he knows more than one does who has considered it for five months.

Mr. COOPER. Will the gentleman permit an interruption?

Mr. HAMILL. Certainly.

Mr. COOPER. The gentleman said that Mr. Goldstein said to Theron Catlin, "Have you invited Kirby?" and Theron said, "No; you invite him."

Mr. HAMILL. Yes.

Mr. COOPER. But that is not the evidence. This is the evidence:

I had occasion to see Nat, and he said, "Did you invite Kirby to this dinner?" I said, "No."

Mr. HAMILL. Who is talking?

Mr. COOPER. Theron Catlin.

I said no. He said: "I would like to have Kirby there. Please ask him."

Mr. HAMILL. That is, Goldstein said to Catlin?

Mr. COOPER. Yes; but that is not what the gentleman said. [Laughter on the Democratic side.]

Mr. HAMILL. Oh, yes.

Mr. COOPER. Do not dodge it. I have seen a lot of lawyers practice law in justice courts just as the gentleman is doing. [Laughter.]

Mr. HAMILL. And I have seen a lot of misguided gentlemen so uncertain that they can argue themselves into a correct position, even if it is not the one they want to assume.

Mr. COOPER. Wait a minute. Goldstein said—

Mr. HAMILL. Oh, the gentleman may tell it any way he likes and we will all agree with him whatever way he tells it.

Mr. COOPER. He said—

Mr. HAMILL. Who, Nat? [Laughter on the Democratic side.]

Mr. COOPER. Yes. He said to Catlin, "I would like to have Kirby there. Please ask him."

Mr. HAMILL. That is precisely what I said.

Mr. COOPER. It is not what the gentleman said at all. [Laughter on the Democratic side.]

Mr. HAMILL. Oh, well—

Mr. COOPER. Oh, well. It is not a laughing matter on an important thing of this kind to have evidence deliberately misstated.

The SPEAKER pro tempore. The time of the gentleman from New Jersey has expired.

Mr. HAMILL. I have the time, and I will take another minute of my time to say that the only laughing matter consisted in the remarks of the gentleman from Wisconsin.

Mr. ANDERSON of Minnesota. Mr. Speaker, how much time has the gentleman on the other side remaining?

The SPEAKER pro tempore (Mr. McCoy). Nineteen minutes, and the gentleman from Minnesota has 30.

Mr. ANDERSON of Minnesota. Mr. Speaker, I yield the balance of my time to the gentleman from Missouri [Mr. BARTHOLOTT].

Mr. BARTHOLOTT. Mr. Speaker, I yield three minutes of my time to the gentleman from Massachusetts [Mr. McCALL].

Mr. McCALL. Mr. Speaker, in the Fifty-fourth Congress it happened that I was the chairman of a Committee on Elections. We had some 15 cases referred to that committee. Twelve of those cases were decided in favor of Democrats. That committee had upon its membership one of the best lawyers I have served with here, the gentleman from Missouri, Mr. De Armond. It had the distinguished gentleman from Virginia [Mr. Jones]. I have long had the notion that the action of that committee helped establish the rule of justice in this House instead of partisanship in deciding contested-election cases. I fear that if you unseat the contestee in this case you will take a long step backward toward establishing the rule of political thievery in dealing with election contests. I have examined this evidence somewhat, and it seems to me that if the committee of which I have spoken had followed the rule that you establish here we might easily have taken a half dozen seats of those Democrats whom we permitted to serve in this Hall.

The gentleman proves agency by mere knowledge. As one of my colleagues remarked, we know the gentleman is making a speech, but that does not make him our agent.

Mr. ALLEN. Will the gentleman yield?

Mr. McCALL. I have only three minutes, and the gentleman must admit that one can hardly argue a case in that time. Look at the way they threw out votes; look at the cool manner in which they would disfranchise the great city of St. Louis, the greatest city upon this continent west of the Mississippi. Why, they threw out 9,000 votes, and how did they do it? They say there were certain illegal votes in certain wards. In the two wards where there was the least number of illegal votes they threw them out because they voted for Catlin, and yet the wards which had the greatest number of illegal votes, and which voted for the contestant, were permitted to remain and were counted for him. Why, it will be a perfect travesty upon justice, gentlemen, if you shall decide this contested election case upon the flimsy grounds which are presented in the majority report. [Applause.]

The SPEAKER pro tempore. The gentleman from Missouri [Mr. BARTHOLOTT] has 27 minutes.

Mr. BARTHOLOTT. Mr. Speaker, this proceeding takes place under the constitutional provision which makes each House of Congress the sole judge of the qualifications of its Members. Consequently we are sitting as judges and not as partisans. Yet we find that the majority and minority reports have been adopted by strict party votes. Surely a sad commentary on the ability of Members of Congress, when acting in the capacity of judges, to divest themselves of the instincts of partisanship.

If I were to hearken to the voice of my party I would, instead of loudly protesting against a proposed act of cruel injustice, remain silent in my seat and let the Democratic majority do their worst, in order that the Republicans might not only be supplied with a new and effective campaign issue, but also be assured for a long term of years and until the outrage is forgotten of absolute ascendancy in the eleventh congressional district of Missouri. As some of the older Members, including the honored Speaker of the House, will remember, this is exactly what happened 29 years ago when Charles F. Joy, a Republican, although elected by an honest majority in the same district, was driven from his seat in a Democratic House because of a mere technicality. That act of injustice was perpetrated by a Democratic majority over the protest of all the Republicans and of 26 of the most prominent Democratic Members, including the late Judge De Armond, from Missouri, and as a result the eleventh district remained safely Republican for the following 10 years, electing and reelecting the same Charles F. Joy, who had been so unjustly ousted, four times in succession. And it is not too much to say that the outrage then committed against the electorate of that district greatly increased the momentum with which Missouri traveled in an opposite political direction until she found herself a "mysterious stranger" in the company of the great Republican States of the Union.

In the present instance the contemplated action of the majority has already had its political effect in the district. Mr. Catlin has been unanimously renominated without opposition,

and consequently without effort or expense on his part, while Mr. Gill was repudiated by the voters of his own party by 2,300 majority, and this in spite of the fact that the majority report, with all its unproven allegations of fraud and corruption, had shrewdly been timed for publication for the evening before the primary and was so published by the Democratic evening and morning papers a few hours before the voters went to the polls. Now, if the people had actually believed Mr. Gill to have been the victim of Republican fraud and corruption, would they not have been disposed to stand by him? Instead, they nominated another Democrat, and one comparatively unknown, and it is worthy of note that out of a total of 22,812 votes cast at the primary Mr. Catlin received a clear majority, to wit, 11,753, while Mr. Gill could muster only 3,337. It may fairly be said, therefore, that the people themselves have passed upon the merits of this contest. Shall the people rule or will this House undertake by arbitrary decisions to correct the popular will?

But, Mr. Speaker, I do not regard a vote on a contested-election case as a party question, hence I raise my voice in protest against the palpable attempt of the present majority to make it such and to drive a Member of this House from the seat to which he was fairly and honestly elected by a majority of the voters of his district. In his able speech the gentleman from Minnesota [Mr. ANDERSON] has covered the ground fully and proved to the satisfaction of every fair-minded man, I believe, that the conclusions set forth in the majority report are not justified either by the evidence or the facts in the case. I shall not go over the same ground again, but let me briefly recapitulate.

It is conceded that Mr. Catlin's father contributed \$10,200 to the Republican campaign fund, placing it in the hands of Mr. Daniel N. Kirby, a prominent member of the St. Louis bar and a friend of the Catlin family. Mr. Kirby's character and knowledge of the law was a sufficient guaranty to the elder Catlin that no improper use would be made of the money, and, indeed, according to Mr. Kirby's accounts, not one dollar of the money was used for improper or illegitimate purposes. But, says the majority report, Mr. Catlin, the son and candidate, knew of this contribution, hence he violated the State law, which limits campaign expenditures of candidates, and thus forfeited his seat. How easy! The burden of proof, mind you, is on the contestant, but no scintilla of evidence was adduced to substantiate the charge. In other words, the knowledge of the contestee is a mere assumption. On the other hand, we have the sworn statements of the father, of Mr. Kirby, of the brother, and of Mr. Catlin himself that the latter had no knowledge whatever of his father's contribution. "He would have never known it but for this contest," says the gentleman, in so many words, and his reputation and character as one of the oldest and most highly respected citizens of St. Louis vouchsafe the truth of the statement. What the contestant did know was that money was being spent by the congressional committee in his behalf and in behalf of other candidates, but that knowledge does not make him amenable to the corrupt-practices act. Under that act it must be proven that it was his money and that it was expended for him by his agents, and there is no such proof.

In this connection permit me to call attention to the character of our political committees. Their members are not appointed by the candidates, but they are State appointees, and represent their wards not only on the congressional committee but on the city, senatorial, legislative, and judicial committees as well. It is customary that these committees collect a campaign fund, and the law limits neither their collections nor their expenditures. The money expended by the members of these committees is not spent for congressional candidates alone, but for all candidates running on the party ticket at the time, and the practice is the same with both parties. If Mr. Catlin, as is probably the case, saw members of his committee spend any money, it was money collected from all sources and expended for the benefit of all candidates running on the Republican ticket. And, as I have already stated, every cent of the money spent by Mr. Kirby is accounted for, and it was expended for legitimate purposes only.

In order to connect Mr. Catlin with his father's contribution, counsel for contestant tried to convince the committee that the money was advanced to contestee. But if you will look up page 66 of the hearings you will find that counsel failed in his effort. Chairman HAMILL, in addressing counsel, says:

If you could show it (the money) was an advance there would not be the slightest difficulty in fixing the blame upon Catlin. That is where we do not get evidence.

Well, Mr. Speaker, they surely tried to get the evidence, for they examined all the check books and stubs of old Mr. Catlin for the whole period in question, but that fact is carefully kept



from the record. Why? Because they could find nothing to connect contestee in any way with the transaction. So I say again the contestant has utterly failed in furnishing the needed proof, and the allegation in the majority report of Mr. Catlin's knowledge is as unsupported as would be my assertion here and now that Mr. Gill knew his own committee was spending money in excess of a reasonable limit. As a matter of fact, it was common gossip at the time that the Democratic committee did have an exceptionally large campaign fund in 1910; as large as was that of the Republican committee. And if the mere knowledge on the part of candidates of the expenditure of money by committees would bring them within the scope of the Missouri law Mr. Gill would be disqualified the same as Mr. Catlin.

The failure of contestant to prove by positive evidence that Mr. Kirby was acting as contestee's agent in the expenditure of the fund furnished by the older Catlin naturally destroys the ground upon which this contest is based. The majority of the committee knew this full well, therefore they took up the allegations of fraud and corruption, flimsy as they were. And they did this for another reason. It was discovered that while they might risk a recommendation to unseat Catlin on account of his father's campaign contribution, they could not seat Gill on that ground because of a decision of the Missouri Supreme Court. The statute does provide that the contestant in such a case shall be given the office, but this provision was declared unconstitutional by a Democratic supreme court.

Mr. HAMILL. Will the gentleman yield for just a short question?

Mr. BARTHOLDT. Yes.

Mr. HAMILL. It was not because of any law of Missouri. It was simply because McCreary on Elections holds that in this country in order to seat your man it is not enough that the other man is unseated, but that he have a majority of the vote. That is not the law of Missouri.

Mr. BARTHOLDT. That was very lucidly stated by the gentleman in his argument.

Mr. HAMILL. I am glad of it.

Mr. BARTHOLDT. Strange to say, the majority report contains the misleading statement that this provision had been held constitutional. But, Mr. Chairman, I do not wish to reflect on the committee. I know how reluctant the majority were to make the report they did, but they were under constant and strong pressure from the outside. They were called upon to save the face of the Democracy of Missouri. When after the last election the Democrats raised the cry of fraud because the Republicans had carried St. Louis by an unprecedented majority, owing, of course, to the prohibition amendment, and when the most searching investigations failed to disclose any evidence of fraud, the Democratic leaders became desperate. The contests in Congress were their last straw, and so Mr. Catlin is to be made a scapegoat in order that at least one scalp might be exhibited to the contributors to the contest fund as a return for their good money. Fortunately, not only the outraged electors of the eleventh district and of Missouri, but the people of the whole country, are witnesses to the transaction.

It is wonderful with what degree of circumspection the majority of the committee proceeded in this matter! They throw out the vote of two whole wards, Republican wards, of course, in order to obtain a majority of 431 for the contestant. Although there was not a scintilla of evidence to sustain the allegation of fraud, they propose to completely disfranchise the voters of the third and the eighteenth wards, nearly 9,000 in number, and to correct and subvert the people's will by a vote of this House. It is now generally conceded that the election of 1910 was the fairest and squarest we ever had. A Republican governor had been elected in Missouri whose solemn pledge and paramount purpose was to secure honest elections, and to-day it is the proudest boast of the Republicans of my State that he has completely succeeded in his well-meant efforts in that direction. This fall we shall appeal to the people for their continued confidence on account of this great and beneficent achievement of a Republican State administration. Remember that every St. Louis vote cast in that election was officially recounted and compared with the poll books, and the difference between the original count and the recount was barely sufficient to change the result in a single precinct. As I said before, immediately after the election the Democratic State committee raised the cry of fraud, and finally a commissioner was appointed, a prominent Democrat, to investigate the matter. He reported to the supreme court that no proof of fraud had been adduced, and the Democratic judges of the supreme court, in an elaborate decision, approved his findings. And more than that, contests for the legislative seats comprised in this district were instituted, and a Democratic legislature seated the Republican con-

testees in senate and house by an overwhelming vote, so that at last it is admitted on all sides that the election of 1910 was free from fraud and corruption and as honest as any election ever held. And I wish to call attention to another important fact. The Republican candidates for the supreme court were elected by very small majorities and consequently their Democratic opponents began a contest which resulted in a most searching investigation. The majority of the court depended upon the outcome, and you can imagine better than I can tell you how much there was at stake for the Democratic Party in saving its Gibraltar. If they had thrown out those two wards, which it is proposed to throw out here, they would have elected the Democratic judges, but with all their partisan zeal and despite the assurance that a Democratic majority of the court would pass upon the proposition, nobody, not even the intensely partisan counsel of the Democratic contestant, had the temerity to breathe such a monstrous wrong. Rather than go to such an extremity and invite the resentment and condemnation of the people without regard to party the leaders dropped the contests and allowed control of the supreme court to pass into Republican hands. Oh, yes, there were scruples here, too, but evidently they were overcome, and so with a few strokes of the pen and a party vote in this House 9,000 voters in my city are to be disfranchised.

What about the allegations of fraud and corruption? During the contest proceedings contestant secured copies of all the ballots and poll books of the district and sent out fraud hunters armed with the names and addresses of all the 20,000 voters who had voted for contestee. These fraud hunters reported that 31 out of the 20,000 could not be found, and that was six weeks after election. This, gentlemen, is seriously mentioned as proof of fraud; in reality it is not rather evidence of the contrary when in a large city, with a constantly shifting population, it was possible to run down 19,969 men out of 20,000 at the localities from which they had voted six weeks previously? But this is one of the reasons assigned for throwing out the two wards. In justification of this action it is pointed out that a Republican House in deciding the Butler contests had also thrown out parts of the district. The fact is that in the Butler case the Republican contestant had proved 13,000 fraudulent votes. That was the time when St. Louis was helpless in the hands of ballot box-stuffing mob, and when Democratic election crimes became so appalling that they resulted in the overthrow of the so-called "Old guard" and the election of a reform governor. Yet, in 1900, while the House unseated Butler, it refused to seat the contestant, and in 1902 Butler was unseated for the short term on account of the 13,000 fraudulent votes, but seated for the long term. The committee then threw out a number of precincts where it was absolutely impossible to ascertain the honest vote, but never dreamed of throwing out whole wards and disfranchising their 9,000 honest voters. A comparison of the present contest with the Butler contests could have suggested itself only to a man desperately in need of facts upon which to base his case, and will be looked upon as an affront to the citizenship of the eleventh district.

The next allegation is that 2,000 unnaturalized residents had voted at the election. This was thoroughly gone into in the supreme court contests, and you will be astounded when you hear the real facts. It appears that the clerks who attended to the registration of voters had, in a number of instances, neglected to fill out all the columns of the registration sheet. They asked whether a man was a qualified voter and whether he was duly naturalized, but they failed to ask in what court the naturalization papers had been obtained. Three hundred and eleven such omissions were discovered, whereupon contestant jumped to the conclusion that there were 2,000 such cases in the district, and the majority report boldly declares:

It is unquestionably established that 2,000 unnaturalized residents were registered in the district, and that they voted at this election.

Not one of those 311 men was summoned as a witness, for if they had been it would have been discovered that they were duly naturalized citizens and therefore qualified voters, and in fact the registration lists show that they are, only the courts issuing the papers were not given owing to the neglect of the clerks. This whole matter is disposed of by a decision of the supreme court, which says that the failure of an election official to perform his duty shall not operate to disfranchise a voter.

All the testimony, by the way, with regard to the unnaturalized voters was taken in rebuttal and the contestee was given no chance to answer it. For four days he had constantly endeavored to do so, but he was waved aside with one excuse or another. On the last day an adjournment had been taken until 2 o'clock p. m., and it was understood that during that afternoon he should be given an opportunity to cross-examine

witnesses, but notary and counsel failed to appear until 6 o'clock, when the former peremptorily declared the hearing closed.

The allegations of corruption have no better foundations than those of fraud. The eighteenth ward is to be thrown out because Hank Weeks, a Republican committeeman, gave money to one James J. Sheehan asking him to do what he could for Catlin and Miller who was a candidate for the criminal court. Sheehan thereafter handed \$5 to Thomas Murphy and \$2 to John C. Russell:

The record wholly fails to show—

Says the minority report—

that the money was given for any corrupt purpose; that anyone was corrupted by it; that it was contestant's money; that he was responsible for it or even knew of it.

Murphy testified the money had not influenced him in any way, and Russell stated he had already voted when he received the \$2. But on account of these \$7 the whole vote of the eighteenth ward is to be thrown out.

The third ward is to be thrown out because one Evers testified that prices of \$15, \$10, and \$5 had been offered to judges and clerks of election for the three precincts showing the highest vote for Catlin. This evidence was afterwards recalled, or rather Evers testified he had never said the men were judges and clerks. The fact is that at a meeting of the precinct committeemen and judges and clerks of election, one Pins made the jocular remark, after the judges and clerks had left, that prices should be offered to the precinct workers, but Judge Riechmann, the committeeman who addressed the meeting giving instructions; did not respond to the suggestion. Such prices to precinct workers have often been offered by the party organizations, and there is, of course, nothing wrong in giving them, but in this particular case it happens none were offered or given.

Mr. Speaker, this is the whole case of Gill against Catlin in a nutshell. If the Democratic majority of this House can afford on such flimsy ground to drive a Member from the seat to which he was honestly elected by over 1,300 majority, let them take the responsibility, but I venture to say that this will not be the end of it. This case will be again tried before a higher tribunal. It will be taken before the people in this campaign and made an issue in every district of Missouri and elsewhere. And in connection with it we shall tell another story, the story of the Missouri gerrymander. The Republicans have carried Missouri three times in succession, in the presidential elections of 1904 and 1908 and in the State election of 1910. It is evident, therefore, that out of 16 Members on this floor that party should have a representation of at least one-half, but instead it has but 3 Representatives out of 16. And now we are to be robbed of one of the three simply because the Democrats have the majority and the power to do it. The ousting of Mr. Catlin is to be made a party question, owing to pressure from certain Missouri leaders, who boldly declared not long ago that if out of three contested seats they took one they were according us a most generous treatment. But I predict the people will resent this double disfranchisement and agree with the St. Louis Globe-Democrat when it says:

Missouri Republicans are robbed of half the congressional representation to which they are entitled, and the Democratic House is planning to steal what little is left. Playing politics like this will boom Republicanism in the State.

The SPEAKER. The gentleman from New Jersey has 19 minutes remaining.

Mr. BARTHOLDT. Will the gentleman from New Jersey yield me one minute?

Mr. HAMILL. I will yield one minute to the gentleman.

Mr. BARTHOLDT. I want to say in conclusion, turning to my young friend and colleague from Missouri, that even if he is ruthlessly driven out of this House to-day, let him take comfort and take courage, because, as sure as the flag floats over the dome of this Capitol, he will come back. [Applause on the Republican side.]

Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

Mr. HAMILL. I will object to that just now, for this reason: The gentleman from Minnesota and myself had a sort of agreement that we would ask unanimous consent for all those who speak in this discussion to have five legislative days within which to print and extend their remarks in the Record.

Mr. MANN. Why not make the request now?

Mr. HAMILL. I will yield to the gentleman from Minnesota.

Mr. ANDERSON of Minnesota. Mr. Speaker, I ask unanimous consent that all persons who have spoken on the resolution and who will speak on it may have five legislative days in which to extend remarks in the Record on the subject of the resolution.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that all gentlemen who have or shall speak on this case may have five legislative days in which to extend remarks in the Record on the resolution itself. Is there objection? There was no objection.

The SPEAKER. The gentleman from New Jersey has 19 minutes remaining.

Mr. HAMILL. I yield the balance of my time to the gentleman from Missouri [Mr. HAMLIN].

Mr. HAMLIN. Mr. Speaker, before I commence what I intend to say in reply to gentlemen who have spoken in favor of the contestee in this case, I feel it my duty to the Committee on Elections No. 2, in view of what the gentleman from Massachusetts said a few moments ago, to make this statement of fact. I am not a member of that committee and therefore speak impartially.

I find by the record furnished me that that committee has had pending before it the following contested election cases:

Mauer against Bartholdt.

Kinney against Dyer.

Prolio against Legare.

Gill against Catlin.

That makes four cases. They have only reported to this House the unseating of one man who holds the commission in the first instance. So that the charge which the gentleman from Massachusetts seeks to make or to have inferred against this committee is unjust, unfair, and not warranted by the facts. I feel it is due to the committee to make that statement.

Mr. McCALL. Will the gentleman yield?

Mr. HAMLIN. Yes.

Mr. McCALL. I based what I said on the report of the committee also and the grounds upon which this seat was to be taken.

Mr. HAMLIN. I am sure that the gentleman from Massachusetts will modify his remarks now that he has been informed as to the actual record made by this committee.

Now, Mr. Speaker, I am proud that I come from a State that was one of the first to adopt a corrupt-practices act in order to protect the ballot and the people. A condition had grown up in the State of Missouri and perhaps almost as bad as my colleague from St. Louis, Dr. BARTHOLDT, describes, and it is especially unfortunate for him that that bad condition is confined to the city of St. Louis, his home. The good people throughout the State who believe in an honest ballot felt that it was necessary to enact some law to compel the people down in St. Louis to hold fair and honest elections. This is real progressive legislation for which Democrats stand.

Mr. BARTHOLDT. Will the gentleman yield?

Mr. HAMLIN. I regret that I can not, for I have only a few minutes. The Missouri Legislature, Democratic, passed a corrupt-practices law, intending to prevent men of large means from buying their elections, the main section of which reads as follows:

No candidate for Congress or for any public office in this State, or in any county, district, or municipality thereof, which office is to be filled by proper election, shall, by himself or by or through any agent or agents, committee, or organization, or any person or persons whatsoever, in the aggregate pay out or expend, or promise or agree or offer to pay, contribute, or expend, any money or other valuable thing in order to secure or aid in securing his nomination or election or the nomination or election of any other person or persons, or both such nomination and election, to any office to be voted for at the same election, or in aid of any party or measure, in excess of a sum to be determined upon the following basis, namely: For 5,000 voters or less, \$100; for each 100 voters over 5,000 and under 25,000, \$2; for each 100 voters over 25,000 and under 50,000, \$1; and for each 100 votes over 50,000, 50 cents, the number of voters to be ascertained by the total number of votes cast for all the candidates for such office at the last preceding regular election held to fill the same; and any payment, contribution, or expenditure, or promise, or agreement, or offer to pay, contribute, or expend any money or valuable thing in excess of said sum, for such objects or purposes, is hereby declared unlawful.

It is conceded that under this statute only \$662 could be expended in this congressional district.

It seems to me this statute could not be any plainer—that the candidate must not expend beyond the above limit himself or permit anybody else to expend for him a sum in excess of the above limit if he knows of that fact. Of course, I can see that if the candidate does not know it he would not be bound by what some one might do in his behalf and without his knowledge or consent.

Now, the gentleman from Missouri, the contestee in this case, understood perfectly well that he could not expend himself, or through an agent or anybody else, by his knowledge or with his consent, a sum in excess of \$662 in this campaign.

Mr. COOPER. The gentleman from Missouri keeps putting in the word "permit"; there is no such word used in the statute.

Mr. HAMLIN. I can not yield, Mr. Speaker. I say, with his knowledge or consent. And Mr. Catlin, the contestee, under-



stood the law to be just as I have outlined it, because on the 11th day of November, 1910, following this election, he filed an affidavit in accordance with this same statute, in which he used this language:

I, Theron E. Catlin, being duly sworn, on my oath say that I was a candidate for Representative to the Congress of the United States in the eleventh congressional district of Missouri and at the primary election held on August 10, 1910, and that the following is a true and complete list of all sums of money contributed, disbursed, expended, or promised by me, and to the best of my knowledge and belief by any other person or persons in my behalf, wholly or in part, in endeavoring to secure, or in any way in connection with, my nomination or election to said office or offices or in connection with the nomination or election of any other person at said election.

He understood that the law meant that he could not expend an amount in excess of \$662, either by himself or through another. He can not possibly get away from that construction now. Every man who holds a commission in this House from the State of Missouri, including my genial friend from the tenth St. Louis district, Mr. BARTHOLOTT, filed an affidavit similar to the above, because it is the form that we all use in the State of Missouri; the law requires it.

Now, gentlemen, I want to call your attention to this fact, and I can only outline a few important points in this case: Did Theron Catlin know that \$10,500, in addition to the five hundred and some odd dollars which he admits he spent, was expended to bring about his election? It is admitted that that amount of money was expended. Did he know it? I undertake to say that every man here will do violence to his intelligence to even intimate that he does not believe, under the testimony, that Theron Catlin knew that this money was expended for him and in his behalf. Of course he knew it.

His father and brother put up the money. He lived with his father. The testimony shows that he had access to his father's books, to his check book and stubs.

His father testified that he kept a record of his expenditures, even of the ordinary household expenses, and this son had access to his books. He knew the money was being expended. He was riding around in automobiles with the men who were expending this money, and they were spending \$35, \$40, and \$75 a day here and there at the saloons and clubs. Where was the money coming from? He said he did not expend it. His father was a multimillionaire, and any man must know that he must have known that his father was putting up this money. Of course, the only conclusion that can be reached is that there was a studied purpose on the part of the Catlins to put Theron in a position where he could say that he did not actually know that his father was putting up this money; but this is an evasion which the law will not permit. The gentleman from Wisconsin says that they employed Mr. Kirby, who was able to tell them how they could evade the law. He does not state it just in those words, but that is the substance of it and that is what it means. I agree with him entirely. Kirby was employed by the Catlins to tell them how to evade the corrupt-practices act of Missouri and secure the office by purchase. He said he employed a lawyer, who said to Theron Catlin, "You can not spend above a certain sum, which is \$662, in the eleventh congressional district"; but Kirby was able to tell the father of the candidate how more money could be expended and evade the law, and that was the purpose of the whole thing. They said, "We will not let Theron know, we will make him close his eyes and shut his ears"—become one who has eyes but see not and ears but hear not.

You will recall that Theron Catlin invited this man Kirby to a dinner given at his father's house just before the election, and after they had eaten dinner somebody said, "We want to talk a little business." Who were there? Reichman, the treasurer and chairman of the contestee's committee, and some of his lieutenants, and this man Kirby, the elder Catlin, and the candidate. They said, "We want to talk a little business." Theron, the candidate, immediately got up and left the room. Why? If my friend from Missouri [Mr. BARTHOLOTT] and my friend from Wisconsin [Mr. COOPER] have put the proper construction upon the law, it would be no violation for the old man to spend \$10,000 or \$20,000 to elect his boy to Congress, and there would have been no necessity for them to invite the candidate to leave the room while they talked over their plans; but they realized that they were scheming to violate the law. They knew it as well as they knew that they lived, and they said, "We do not want you to know anything about this, Theron, and you go out in the other room."

He got up and marched out and they talked about 15 minutes; and yet that boy, being a candidate, vitally interested, was not consulted and never asked a living soul what they were talking about. I recollect once in this House when the lamented Cushman, who afforded this House much amusement when he was a Member, told a story, and I think that story is ap-

plicable to the case in hand. It was about a fellow out West, who was found with a good many cattle gotten in too short a time. They waited on him and said to him that he had more cattle than he ought to have in such a short time. They took him down the road to a tree and put a rope around his neck and threw it up over a limb. They then asked him if he had anything to say before he shuffled off this mortal coil. He said: "Well, gentlemen, I expect I am more vitally interested in this matter than anybody else, but I will swear that I do not believe I am as enthusiastic over it as some of the balance of you." That appears to be the way of Theron Catlin. He was more vitally interested in what they were talking about than anybody, but he did not display any enthusiasm. He never even asked how much money they were using in his campaign, or who was paying it out, or what was being done with it. Tell me that he did not know that his father was expending this money that was being used for his benefit? I tell you that you absolutely do violence to your own intelligence when you say that. It is too plain for further discussion.

My friend from Missouri [Mr. BARTHOLOTT] brings into this argument a matter entirely foreign to this case. He says that in a late primary Patrick Gill, the contestant in this case, was defeated for renomination and that Theron Catlin was overwhelmingly renominated. He argues from that that the people of the district have passed on what happened two years ago. Let us see. The evidence shows that two years ago part of this \$10,500 was used in securing the services of one James J. Sheehan, who was then Democratic committeeman in one of those wards, that he was paid money by Catlin's friends. He worked for Catlin, also a man named Parker, and half a dozen others of the so-called leading Democrats. Those fellows did not want Pat Gill to bring this contest. Why? If these facts were developed, it would lay bare their treachery and reflect upon them just as much as it does upon Theron Catlin, and even more. They were playing to be Patrick Gill's friends. They had taken Catlin's money and had broken their word to Gill. They did not want this contest brought. They were afraid of it. One of the fellows who ran against Gill for nomination at the previous primary, M. C. Early, turns up as one of Catlin's attorneys in this contest, so that you see Patrick Gill—

Mr. ANDERSON of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. HAMLIN. I decline to yield.

Mr. ANDERSON of Minnesota. I want to ask the gentleman if that is in the record?

Mr. HAMLIN. So that you see how it was. Patrick Gill was 1,000 miles from the scene of action, with Catlin on the ground working for renomination, these so-called Democrats being aroused over this contest case and knowing that it would expose their perfidy, and of course they were not for Pat Gill for renomination, and I am surprised that he carried the third ward, one of those wards where we allege these frauds were committed.

They say that there is no evidence here of any fraud, and I want to make just this one reply to my friend from Missouri. He talks about the State contests out there. He will not rise in his place and say that in any of those State contests was this question of the violation of the corrupt-practices act involved. It was not. It was not involved in any of those cases. This is the first contest in Congress that has been brought which is based on the corrupt-practices act of the State of Missouri. Interrupting one of the gentlemen this afternoon, I stated that the contestee in this case had admitted that there were 2,000 illegal voters permitted to register and vote—unnaturalized citizens—and that he was bound by his pleadings and could not now be permitted to deny that proposition. Here it is, on page 15 of the record:

Further answering, contestee avers that in said eleventh congressional district a large number of foreign-born persons, to wit, 2,000, through mistake or error or oversight on the part of the registration judges or clerks, were permitted to register as voters who were not legally entitled to register and vote at said election.

On the next page he says that there are 3,000 more who had declared their intentions more than five years before this time, but had never taken out their final papers, and that consequently they were not legal voters.

There are one or two other things. I can not take up the argument consecutively, because erroneous statements made on the other side ought to be corrected in the presence of this House. For instance, there comes to my mind now that the charge was made, I believe by the gentleman from Ohio [Mr. SWITZER], that Mr. Gill gave his checks and split up a certain check of \$350, giving his checks for \$20 each to different parties. That is true; but my good friend from Ohio did not tell the whole truth. That money had no connection with the cam-

paign of Patrick Gill. It was money given to a member of the city committee by the treasurer of the city committee, all in a lump sum. This city committeeman wanted to use some of this money, and the bank was closed. He went to Pat Gill and asked him to split it up by check for him. I will read the testimony:

Q. Now, at the time Mr. Patrick gave you that check he explained that he had received a check from Mr. Menne, treasurer of the city committee, but not having time to get it cashed he gave Mr. Gill the check for the entire amount and asked Mr. Gill to make out checks for the individual members of the committee, and ain't that their checks? Isn't that right?—A. He made an announcement there which, in substance, was practically that what you stated. He said that he had called the meeting, and that he had received his portion of the money from the city central committee for distribution to the city central committee.

Q. To the precinct men?—A. Yes; to the precinct committee organization; and that he had not had time to get it cashed; and that he asked Paddy Gill to furnish him with money for the meeting which he had called for that night.

Mr. DICKINSON. It has no connection with Gill's campaign?

Mr. HAMLIN. Absolutely no connection with the congressional campaign, and yet the gentleman from Ohio seizes upon that as a reflection upon the contestant in this case. There is one thing which I feel proud of so far as Patrick Gill is concerned. With all of this money back of this contest on the part of the contestee, unlimited, with all the testimony that can be found, not one single syllable has been found that reflects upon the conduct or character of Patrick Gill. [Applause.] Now, Mr. Speaker, there is another thing to which I wish to call attention. Ever since I began to look into this case I find, I think, about the rankest and worst fraud I know of having been perpetrated anywhere was that adopted on the night I believe before the election, when there was a meeting called of the Republican judges and clerks. Think of it now, men who were appointed to act in that high capacity invited to a certain place, to Reichman's office, and Mr. Catlin, the candidate, accompanied Reichman there, and in the presence of Theron Catlin, who may be blind to some things, but he is certainly not deaf, Reichman made an offer of cash prizes of \$15, \$10, and \$5 to the Republican judges and clerks who should show the biggest vote for Catlin the next day. My God, think of it, the people of this country will not tolerate such methods. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman has expired; all time has expired.

Mr. ANDERSON of Minnesota. Mr. Speaker, I offer a substitute for the resolution, which I send to the Clerk's desk.

The SPEAKER. The Chair will call attention to the fact that there are two resolutions. The Clerk will first report the resolution.

The Clerk read as follows:

House resolution 666.

Resolved, That Theron E. Catlin was not elected a Representative from the Eleventh District of Missouri to the Sixty-second Congress.

The SPEAKER. The Clerk will now report the substitute.

The Clerk read as follows:

Resolved, That Theron E. Catlin was elected a Representative from the Eleventh District of Missouri to the Sixty-second Congress and is entitled to the seat therein.

The SPEAKER. The question is on the substitute.

The question was taken and the Speaker announced the yeas seemed to have it.

Mr. ANDERSON of Minnesota. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 70, nays 122, answered "present" 19, not voting 179, as follows:

#### YEAS—70.

Ainey	Foss	Lindbergh	Sells
Anderson, Minn.	French	Longworth	Sloan
Austin	Good	McCall	Smith, Saml. W.
Barchfeld	Green, Iowa	McKinney	Speer
Bartholdt	Griest	McLaughlin	Sterling
Bowman	Hamilton, W. Va.	Mann	Sulloway
Burke, S. Dak.	Harris	Miller	Switzer
Cannon	Haugen	Moore, Pa.	Taylor, Ohio
Cooper	Helgesen	Morgan	Utter
Copley	Hill	Morse, Wis.	Warburton
Crago	Howell	Needham	Wedemeyer
Crumpacker	Kendall	Olmsted	Willis
Curry	Kennedy	Pickett	Wilson, Ill.
Danforth	Kent	Porter	Wood, N. J.
Davis, Minn.	Kinkaid, Nebr.	Prouty	Woods, Iowa
Dodds	Lafean	Rees	Young, Kans.
Farr	Lafferty	Reyburn	
Fordney	LaFollette	Rodenberg	

#### NAYS—122.

Adair	Ansberry	Booher	Burleson
Alken, S. C.	Ashbrook	Borland	Byrns, Tenn.
Akin, N. Y.	Bathrick	Buchanan	Candler
Alexander	Beall, Tex.	Bulkley	Carlin
Allen	Blackmon	Burke, Wis.	Carter

Claypool	Goeke	Levy	Shackleford
Clayton	Goodwin, Ark.	Lewis	Sharp
Cline	Graham	Linthicum	Sisson
Connell	Gray	Littlepage	Smith, N. Y.
Cullop	Gregg, Pa.	Lloyd	Smith, Tex.
Curley	Gregg, Tex.	Lobeck	Stedman
Davenport	Hamill	McCoy	Stephens, Miss.
Dent	Hamlin	McDermott	Stephens, Nebr.
Denver	Hardy	McKellar	Stone
Dickinson	Harrison, Miss.	Maguire, Nebr.	Sweet
Difenderfer	Hayden	Martin, Colo.	Taggart
Dixon, Ind.	Heflin	Moss, Ind.	Thayer
Donohoe	Hensley	Neeley	Townsend
Doremus	Holland	Oldfield	Tribble
Doughton	Howard	O'Shaunessy	Turnbull
Evans	Hughes, N. J.	Padgett	Tuttle
Faison	Hull	Page	Underhill
Fergusson	Jackson	Pou	Underwood
Ferris	Jacoway	Rainey	Watkins
Fitzgerald	James	Raker	Webb
Flood, Va.	Johnson, Ky.	Ransdell, La.	Whitacre
Floyd, Ark.	Kitchin	Rauch	Wilson, Pa.
Gallagher	Konig	Reilly	Witherspoon
Garrett	Korbly	Robinson	The Speaker
George	Lee, Pa.	Roddenbery	
Godwin, N. C.	Lever	Russell	

#### ANSWERED "PRESENT"—19.

Adamson	Fornes	Lee, Ga.	Smith, J. M. C.
Broussard	Foster	McMorran	Sparkman
Campbell	Hawley	Moon, Tenn.	Talcott, N. Y.
Dwight	Humphreys, Miss.	Morrison	Thomas
Finley	Johnson, S. C.	Parran	

#### NOT VOTING—179.

Ames	Edwards	Konop	Redfield
Anderson, Ohio	Ellerbe	Kopp	Richardson
Andrus	Esch	Lamb	Riordan
Anthony	Estopinal	Langham	Roberts, Mass.
Ayres	Fairchild	Langley	Roberts, Nev.
Barnhart	Fields	Lawrence	Rothermel
Bartlett	Focht	Legare	Rouse
Bates	Fowler	Lenroot	Rubey
Bell, Ga.	Francis	Lindsay	Rucker, Colo.
Berger	Fuller	Littleton	Rucker, Mo.
Boehne	Gardner, Mass.	Loud	Sabath
Bradley	Gardner, N. J.	McCreary	Saunders
Brantley	Garner	McGillcuddy	Scully
Brown	Gillett	McGuire, Okla.	Sheppard
Browning	Glass	McHenry	Sherley
Burgess	Goldfogle	McKenzie	Sherwood
Burke, Pa.	Gould	McKinley	Simmons
Burnett	Greene, Mass.	Macon	Sims
Butler	Gudger	Madden	Slayden
Byrnes, S. C.	Guernsey	Maher	Slemp
Calder	Hamilton, Mich.	Martin, S. Dak.	Small
Callaway	Hammond	Matthews	Smith, Cal.
Cantrill	Hanna	Mays	Stack
Cary	Hardwick	Mondell	Stanley
Catlin	Harrison, N. Y.	Moon, Pa.	Steenerson
Clark, Fla.	Hartman	Moore, Tex.	Stephens, Cal.
Collier	Hay	Mott	Stephens, Tex.
Conry	Hayes	Murdock	Stevens, Minn.
Covington	Heald	Murray	Sulzer
Cox, Ind.	Helm	Nelson	Talbot, Md.
Cox, Ohio	Henry, Conn.	Norris	Taylor, Ala.
Cravens	Henry, Tex.	Nye	Taylor, Colo.
Currier	Higgins	Palmer	Thistlewood
Dalzell	Hinds	Patten, N. Y.	Tilson
Daugherty	Hobson	Patton, Pa.	Towner
Davidson	Houston	Payne	Vare
Davis, W. Va.	Howland	Pepper	Volstead
De Forest	Hughes, Ga.	Peters	Vreeland
Dickson, Miss.	Hughes, W. Va.	Plumley	Weeks
Dies	Humphrey, Wash.	Post	White
Draper	Jones	Powers	Wildner
Driscoll, D. A.	Kahn	Pray	Wilson, N. Y.
Driscoll, M. E.	Kindred	Prince	Young, Mich.
Dupré	Kinhead, N. J.	Pujo	Young, Tex.
Dyer	Knowland	Randell, Tex.	

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he voted "nay."

So the substitute was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. HELM with Mr. GREENE of Massachusetts.

Mr. SAUNDERS with Mr. MCCREARY.

Mr. COX of Indiana with Mr. HEALD.

Balance of the day:

Mr. HAY with Mr. KAHN.

Mr. SIMS with Mr. PAYNE.

On this vote:

Mr. MOON of Tennessee with Mr. BURKE of Pennsylvania.

Mr. DAVIS of West Virginia with Mr. MICHAEL E. DRISCOLL.

Mr. MORRISON with Mr. HUMPHREY of Washington.

Mr. HAMMOND (against) with Mr. PETERS (for).

Mr. HOWLAND (for) with Mr. HENRY of Texas (against).

Mr. PARRAN. Mr. Speaker, how am I recorded? I do not remember voting on this proposition.

The SPEAKER. The gentleman is recorded as "present."

Mr. PARRAN. All right, sir; but I did not hear my name called.

Mr. ADAMSON. Mr. Speaker, I voted "nay," but I find that my pair is not here, and therefore I would like to change my vote and answer "present."



The SPEAKER. The Clerk will call the gentleman's name.  
The Clerk called the name of Mr. ADAMSON, and he answered "Present."

Mr. FOSTER. Mr. Speaker, I voted "nay" on this vote. I am paired with the gentleman from Wisconsin, Mr. KOPP. I desire to vote "present."

The SPEAKER. The Clerk will call the gentleman's name.  
The Clerk called the name of Mr. FOSTER, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. The substitute is lost. The question recurs on the resolution.

Mr. MANN. Mr. Speaker, I ask for a division of the question.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks for a division of the question, and he is entitled to it. The Clerk will report the first part of the resolution, so that Members will know how to vote.

The Clerk read as follows:

*Resolved*, That Theron E. Catlin was not elected a Representative from the eleventh district of Missouri in the Sixty-second Congress.

The SPEAKER. The question is on the adoption of the resolution.

The question was taken, and the Speaker announced that the yeas seemed to have it.

Mr. ANDERSON of Minnesota. Mr. Speaker, I call for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The Clerk will call the roll. Those in favor of the resolution will answer "yea" when their names are called; those opposed will answer "nay."

The question was taken; and there were—yeas 121, nays 71, answered "present" 16, not voting 182, as follows:

## YEAS—121.

Adair	Difenderfer	Hughes, N. J.	Reilly
Aiken, S. C.	Dixon, Ind.	Hull	Robinson
Akin, N. Y.	Donohoe	Jackson	Roddenberry
Alexander	Doremus	Jacoway	Russell
Allen	Doughton	James	Shackelford
Ansberry	Evans	Johnson, Ky.	Sharp
Ashbrook	Faison	Kitchin	Sims
Bathrick	Fergusson	Konig	Sisson
Beall, Tex.	Ferris	Korbly	Smith, N. Y.
Blackmon	Flood, Va.	Lee, Pa.	Smith, Tex.
Booher	Floyd, Ark.	Lever	Stedman
Borland	Gallagher	Levy	Stephens, Miss.
Buchanan	Garrett	Lewis	Stephens, Nebr.
Bulkeley	George	Linthicum	Stone
Burke, Wis.	Godwin, N. C.	Lloyd	Sweet
Burleson	Goeke	Lobeck	Taggart
Byrns, Tenn.	Goodwin, Ark.	McCoy	Thayer
Candler	Graham	McKellar	Townsend
Carlin	Gray	Maguire, Nebr.	Tribble
Carter	Gregg, Pa.	Martin, Colo.	Turnbull
Claypool	Gregg, Tex.	Moss, Ind.	Underhill
Clayton	Hamill	Neeley	Underwood
Cline	Hamlin	Oldfield	Watkins
Connell	Hammond	O'Shaunessy	Webb
Covington	Hardy	Padgett	Whitacre
Cullop	Harrison, Miss.	Page	Wilson, Pa.
Curley	Hayden	Pou	Witherspoon
Davenport	Heflin	Rainey	The Speaker
Dent	Hensley	Raker	
Denver	Holland	Ransdell, La.	
Dickinson	Howard	Rauch	

## NAYS—71.

Ainey	French	Lindbergh	Rodenberg
Anderson, Minn.	Good	Longworth	Sells
Austin	Green, Iowa	McCall	Sloan
Bartholdt	Greene, Mass.	McKinley	Smith, Saml. W.
Bowman	Griest	McKinney	Speer
Burke, Pa.	Hamilton, W. Va.	McLaughlin	Sterling
Burke, S. Dak.	Harris	Mann	Sulloway
Cannon	Haugen	Miller	Switzer
Cooper	Helgesen	Moore, Pa.	Taylor, Ohio.
Copley	Hill	Morgan	Utter
Crago	Howell	Morse, Wis.	Warburton
Crumpacker	Kendall	Needham	Wedemeyer
Curry	Kennedy	Olmsted	Willis
Danforth	Kent	Pickett	Wilson, Ill.
Davis, Minn.	Kinkaid, Nebr.	Porter	Wood, N. J.
Dodds	Lafean	Prouty	Woods, Iowa
Fordney	Lafferty	Rees	Young, Kans.
Foss	La Follette	Reyburn	

## ANSWERED "PRESENT"—16.

Adamson	Foster	Lee, Ga.	Parran
Broussard	Hawley	McDermott	Smith, J. M. C.
Dwight	Humphreys, Miss.	McMorran	Sparkman
Finley	Johnson, S. C.	Morrison	Talcott, N. Y.

## NOT VOTING—182.

Ames	Boehne	Campbell	Dalzell
Anderson, Ohio	Bradley	Cantrill	Daugherty
Andrus	Brantley	Cary	Davidson
Anthony	Brown	Catlin	Davis, W. Va.
Ayres	Browning	Clark, Fla.	De Forest
Barchfeld	Burgess	Collier	Dickson, Miss.
Barnhart	Burnett	Conry	Dies
Bartlett	Butler	Cox, Ind.	Draper
Bates	Byrnes, S. C.	Cox, Ohio	Driscoll, D. A.
Bell, Ga.	Calder	Cravens	Driscoll, M. E.
Berger	Callaway	Currier	Dupré

Dyer	Hinds	Mondell	Scully
Edwards	Hobson	Moon, Pa.	Sheppard
Ellerbe	Houston	Moon, Tenn.	Sherley
Esch	Howland	Moore, Tex.	Sherwood
Estopinal	Hughes, Ga.	Mott	Simmons
Fairchild	Hughes, W. Va.	Murdock	Slayden
Farr	Humphrey, Wash.	Murray	Slomp
Fields	Jones	Nelson	Small
Fitzgerald	Kahn	Norris	Smith, Cal.
Focht	Kindred	Nye	Stack
Fornes	Kinhead, N. J.	Palmer	Stanley
Fowler	Knowland	Patten, N. Y.	Steenerson
Francis	Konop	Patton, Pa.	Stephens, Cal.
Fuller	Kopp	Payne	Stephens, Tex.
Gardner, Mass.	Lamb	Pepper	Stevens, Minn.
Gardner, N. J.	Langham	Peters	Sulzer
Garner	Langley	Plumley	Talbot, Md.
Gillett	Lawrence	Post	Taylor, Ala.
Glass	Legare	Powers	Taylor, Colo.
Goldfogle	Lenroot	Pray	Thistlewood
Gould	Lindsay	Prince	Thomas
Gudger	Littlepage	Pujo	Tilson
Guernsey	Littleton	Randell, Tex.	Townner
Hamilton, Mich.	Loud	Redfield	Tuttle
Hanna	McCreary	Richardson	Vare
Hardwick	McGillcuddy	Riordan	Volstead
Harrison, N. Y.	McGuire, Okla.	Roberts, Mass.	Vreeland
Hartman	McHenry	Roberts, Nev.	Weeks
Hay	McKenzie	Rothermel	White
Hayes	Macon	Rouse	Wildner
Heald	Madden	Rube	Wilson, N. Y.
Helm	Maher	Rucker, Colo.	Young, Mich.
Henry, Conn.	Martin, S. Dak.	Rucker, Mo.	Young, Tex.
Henry, Tex.	Matthews	Sabath	
Higgins	Mays	Saunders	

The SPEAKER. The clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he answered "aye," as above recorded.

So the resolution was agreed to.

The following additional pairs were announced:

Until further notice:

Mr. MOON of Tennessee with Mr. SIMMONS.

Mr. BROWN with Mr. MONDELL.

Mr. McDERMOTT with Mr. FARR.

On this vote:

Mr. HENRY of Texas (in favor) with Mr. HOWLAND (against).

The result of the vote was then announced as above recorded.

The SPEAKER. The question is on agreeing to the last resolution.

Mr. ANDERSON of Minnesota. I ask that the resolution be reported.

The Clerk read as follows:

House resolution 666.

*Resolved*, That Patrick F. Gill was duly elected a Representative from the eleventh district of Missouri to the Sixty-second Congress and is entitled to the seat therein.

Mr. ANDERSON of Minnesota. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 104, nays 79, answered "present" 23, not voting 184, as follows:

## YEAS—104.

Aiken, S. C.	Dixon, Ind.	James	Robinson
Alexander	Donohoe	Johnson, Ky.	Rothermel
Allen	Faison	Kinhead, N. J.	Russell
Ansberry	Fergusson	Kitchin	Sabath
Ashbrook	Ferris	Konig	Shackelford
Bathrick	Flood, Va.	Korbly	Sharp
Beall, Tex.	Floyd, Ark.	Lee, Pa.	Sisson
Blachmon	Gallagher	Lever	Smith, N. Y.
Booher	Garrett	Levy	Smith, Tex.
Borland	George	Lewis	Stedman
Buchanan	Godwin, N. C.	Linthicum	Stephens, Miss.
Burke, Wis.	Goodwin, Ark.	Lloyd	Stephens, Nebr.
Burleson	Graham	Lobeck	Stone
Byrns, Tenn.	Gray	McCoy	Sweet
Candler	Gregg, Pa.	McKellar	Taggart
Carlin	Hamill	Maguire, Nebr.	Thayer
Carter	Hamlin	Martin, Colo.	Townsend
Claypool	Hardy	Neeley	Tribble
Clayton	Harrison, Miss.	Oldfield	Turnbull
Connell	Hayden	O'Shaunessy	Underhill
Cullop	Heflin	Post	Underwood
Curley	Hensley	Pou	Watkins
Davenport	Howard	Rainey	Whitacre
Dent	Hughes, N. J.	Ransdell, La.	Wilson, Pa.
Denver	Hull	Rauch	Witherspoon
Dickinson	Jacoway	Relly	The Speaker

## NAYS—79.

Ainey	Difenderfer	Howell	Moore, Pa.
Akin, N. Y.	Dodds	Jackson	Morgan
Anderson, Minn.	Doughton	Kendall	Morse, Wis.
Austin	Evans	Kennedy	Moss, Ind.
Barchfeld	Fordney	Kent	Needham
Bartholdt	Foss	Kinkaid, Nebr.	Olmsted
Bowman	French	Lafean	Pickett
Bulkeley	Good	Lafferty	Prouty
Burke, Pa.	Green, Iowa	La Follette	Raker
Burke, S. Dak.	Greene, Mass.	Lindbergh	Rees
Cannon	Griest	Longworth	Reyburn
Cooper	Hamilton, W. Va.	McCall	Rodenberg
Copley	Hammond	McKinley	Sells
Crago	Harris	McKinney	Sloan
Crumpacker	Haugen	McLaughlin	Smith, J. M. C.
Danforth	Helgesen	Mann	Smith, Saml. W.
Davis, Minn.	Hill	Miller	Speer

Sterling  
Switzer  
Taylor, Ohio

Utter  
Warburton  
Wedemeyer

Willis  
Wilson, III.  
Wood, N. J.

Woods, Iowa  
Young, Kans.

Adair  
Adamson  
Broussard  
Davis, W. Va.  
Doremus  
Dwight

Farr  
Finley  
Foster  
Hawley  
Holland  
Humphreys, Miss. Padgett

Johnson, S. C.  
Lee, Ga.  
McDermott  
McMorran  
Morrison  
Padgett

Page  
Reddenberg  
Sims  
Sparkman  
Webb

#### ANSWERED "PRESENT"—23.

Ames  
Anderson, Ohio  
Andrus  
Anthony  
Ayres  
Burnhart  
Bartlett  
Bates  
Bell, Ga.  
Berger  
Boehne  
Bradley  
Brantley  
Brown  
Browning  
Burgess  
Burnett  
Butler  
Byrnes, S. C.  
Calder  
Callaway  
Campbell  
Cantrill  
Cary  
Catlin  
Clark, Fla.  
Cline  
Collier  
Conry  
Covington  
Cox, Ind.  
Cox, Ohio  
Cravens  
Currier  
Curry  
Dalzell  
Daugherty  
Davidson  
De Forest  
Dickson, Miss.  
Dies  
Draper  
Driscoll, D. A.  
Driscoll, M. E.  
Dupré  
Dyer

Edwards  
Ellerbe  
Esch  
Estopinal  
Fairchild  
Fields  
Fitzgerald  
Focht  
Fornes  
Fowler  
Francis  
Fuller  
Gardner, Mass.  
Gardner, N. J.  
Garner  
Gillett  
Glass  
Goeke  
Goldfogle  
Gould  
Gregg, Tex.  
Gudger  
Guernsey  
Hamilton, Mich.  
Hanna  
Hardwick  
Harrison, N. Y.  
Hartman  
Hay  
Hayes  
Heald  
Helm  
Henry, Conn.  
Henry, Tex.  
Higgins  
Hinds  
Hobson  
Houston  
Howland  
Hughes, Ga.  
Hughes, W. Va.  
Humphrey, Wash.  
Jones  
Kahn  
Kindred  
Knowland

Konop  
Kopp  
Lamb  
Langham  
Langley  
Lawrence  
Legare  
Lenroot  
Lindsay  
Littlepage  
Littleton  
Loud  
McCreary  
McGillicuddy  
McGuire, Okla.  
McHenry  
McKenzie  
Macon  
Madden  
Maher  
Martin, S. Dak.  
Matthews  
Mays  
Mondell  
Moon, Pa.  
Moon, Tenn.  
Moore, Tex.  
Mott  
Murdock  
Murray  
Nelson  
Norris  
Nye  
Palmer  
Parran  
Patten, N. Y.  
Patton, Pa.  
Payne  
Pepper  
Peters  
Plumley  
Porter  
Powers  
Pray  
Prince  
Pujo

Randell, Tex.  
Redfield  
Richardson  
Riordan  
Roberts, Mass.  
Roberts, Nev.  
Rouse  
Rubey  
Rucker, Colo.  
Rucker, Mo.  
Saunders  
Scully  
Sheppard  
Sherley  
Sherwood  
Simmons  
Slayden  
Slomp  
Small  
Smith, Cal.  
Stack  
Stanley  
Steenerson  
Stephens, Cal.  
Stephens, Tex.  
Stevens, Minn.  
Sulloway  
Sulzer  
Talbott, Md.  
Talcott, N. Y.  
Taylor, Ala.  
Taylor, Colo.  
Thistlewood  
Thomas  
Tilson  
Townner  
Tuttle  
Vare  
Voistead  
Vreeland  
Weeks  
White  
Wilder  
Wilson, N. Y.  
Young, Mich.  
Young, Tex.

#### NOT VOTING—184.

Republican national convention that nominated Mr. Taft at Chicago.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend remarks in the RECORD by printing the speech of W. H. Kellar, one of the delegates to the Chicago convention. Is there objection?

There was no objection.

SPEECH OF COL. GOETHALS AT MILITARY ACADEMY (H. DOC. NO. 904).

Mr. MANN. Mr. Speaker, I ask unanimous consent to have printed as a House document a speech delivered by Col. Goethals to the graduating class at the Military Academy at West Point, with an introduction by the superintendent of the academy. (H. Doc. No. 904.)

The SPEAKER. The gentleman from Illinois asks unanimous consent to have printed as a House document a speech by Col. Goethals with an introduction by the superintendent of the academy. Is there objection?

There was no objection.

#### ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 35 minutes p. m.) the House adjourned until to-morrow, Tuesday, August 13, 1912, at 12 o'clock noon.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. AINEY: A bill (H. R. 26232) to extend the provisions of the existing pension laws to the Enrolled Militia of Pennsylvania which cooperated with the forces of the United States during the Civil War and to provide for the issuance of certificates of honorable discharge to certain officers and men serving in the same; to the Committee on Military Affairs.

By Mr. BYRNS of Tennessee: A bill (H. R. 26233) for the study and eradication of pellagra; to the Committee on Agriculture.

By Mr. HAUGEN: A bill (H. R. 26234) to change the name of oleomargarine to margarin; to change the rate of tax on margarin; to make margarin and other substitutes for dairy products subject to the laws of any State or Territory into which they may be transported; to afford the Internal Revenue Bureau means for the more efficient detection of fraud and for the collection of revenues; to repeal an act defining butter and imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine, approved August 2, 1886, with amendments thereto; to the Committee on Agriculture.

By Mr. MANN: A bill (H. R. 26235) to authorize the city of Chicago to construct a bridge across the Little Calumet River, at Indiana Avenue, in said city; to the Committee on Interstate and Foreign Commerce.

By Mr. FERRIS: A bill (H. R. 26236) conferring upon the Lawton Railway & Lighting Co. the privileges, rights, and conditions heretofore granted the Lawton & Fort Sill Electric Co. to construct a railroad across certain lands in Comanche County, Okla.; to the Committee on Indian Affairs.

By Mr. JACKSON: Joint resolution (H. J. Res. 350) proposing an amendment to the Constitution relative to the manner of amending the Constitution of the United States; to the Committee on the Judiciary.

Also, joint resolution (H. J. Res. 351) proposing an amendment to Article V of the Constitution relative to the manner of amending the Constitution; to the Committee on the Judiciary.

Also, joint resolution (H. J. Res. 352) proposing an amendment to the Constitution, Article I, section 9, relating to taxation; to the Committee on the Judiciary.

By Mr. GREGG of Pennsylvania: Resolution (H. Res. 683) to print 5,000 copies of "Report on the Miners' Strike in Bituminous Coal Field in Westmoreland County, Pa."; to the Committee on Printing.

By Mr. RAKER: A resolution (H. Res. 684) providing for printing of hearings on oleomargarine bills; to the Committee on Printing.

By Mr. HOBSON: A resolution (H. Res. 685) authorizing the printing of 70,000 copies of a bulletin entitled "The Cotton Worm or Caterpillar"; to the Committee on Printing.

By Mr. HUGHES of New Jersey: A resolution (H. Res. 686) directing the Secretary of the Navy to furnish the House of Representatives with certain information relative to the construction of four torpedo boats and two battleships authorized in the naval appropriation act of March 4, 1911; to the Committee on Naval Affairs.

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he voted "aye," as above recorded.

So the resolution was agreed to.

The following additional pairs were announced:

Until further notice:

Mr. GREGG of Texas with Mr. CURRY.

Mr. CLINE with Mr. KNOWLAND.

Mr. DAVIS of West Virginia with Mr. VREELAND.

Mr. SMALL with Mr. VARE.

Mr. FITZGERALD with Mr. FULLER.

The result of the vote was then announced as above recorded.

#### SWEARING IN OF A MEMBER.

Mr. PATRICK F. GILL, from the eleventh Missouri district, appeared at the bar of the House, escorted by Mr. LLOYD, and took the oath of office prescribed by law.

#### EXTENSION OF REMARKS.

Mr. LLOYD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting the speech that was made by the Hon. OLLIE JAMES as permanent chairman of the Baltimore convention.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD by printing the speech of the Hon. OLLIE JAMES as permanent chairman of the Baltimore convention.

Mr. LAFFERTY. Reserving the right to object, will the gentleman consent to include a request that I be permitted to print in the RECORD a short speech by Jane Addams?

Mr. LLOYD. I do not object to the gentleman making that request.

The SPEAKER. Let us first dispose of the request of the gentleman from Missouri. Is there objection?

There was no objection.

The SPEAKER. Now the gentleman from Oregon [Mr. LAFFERTY] asks unanimous consent to extend his remarks in the RECORD by printing a short speech by Jane Addams. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including an address by William H. Kellar, one of the delegates to the



## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CURLEY: A bill (H. R. 26237) for the relief of Murty Lyons; to the Committee on Naval Affairs.

Also, a bill (H. R. 26238) for the relief of Thomas F. Rose; to the Committee on Naval Affairs.

Also, a bill (H. R. 26239) granting a pension to Catherine Moran; to the Committee on Pensions.

Also, a bill (H. R. 26240) granting a pension to Elizabeth A. Clifford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26241) granting a pension to Catherine Daley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26242) granting a pension to Margaret A. Murphy; to the Committee on Pensions.

Also, a bill (H. R. 26243) granting a pension to George C. Haven; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26244) granting a pension to Daniel Sullivan; to the Committee on Pensions.

Also, a bill (H. R. 26245) granting a pension to Arthur W. Cook; to the Committee on Pensions.

Also, a bill (H. R. 26246) granting a pension to Edward Harrington; to the Committee on Pensions.

Also, a bill (H. R. 26247) granting a pension to John L. Howell; to the Committee on Pensions.

Also, a bill (H. R. 26248) granting an increase of pension to Milo J. Proctor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26249) granting an increase of pension to John V. Meade; to the Committee on Pensions.

Also, a bill (H. R. 26250) granting an increase of pension to Frederick A. Emery; to the Committee on Pensions.

Also, a bill (H. R. 26251) granting an increase of pension to John H. Tyler; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 26252) granting a pension to Wilbur K. Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26253) granting a pension to Tony Judd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26254) granting a pension to Lincoln Mothersbaugh; to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 26255) granting a pension to Elizabeth Cumming; to the Committee on Invalid Pensions.

By Mr. HOLLAND: A bill (H. R. 26256) for the relief of the legal representatives of Seth Foster, John Foster, John Tunis, D. Gordon, William J. Hardy, and Thomas A. Hardy; to the Committee on War Claims.

By Mr. MORRISON: A bill (H. R. 26257) granting an increase of pension to William A. Watson; to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 26258) granting a pension to Charles Schmidt; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 26259) granting a pension to Harriet M. Deuel; to the Committee on Invalid Pensions.

By Mr. SPEER: A bill (H. R. 26260) granting a pension to Alma A. Shephard; to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 26261) granting an increase of pension to Maggie E. Van Wert; to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Memorial of Grand Council of Ohio, Order of United Commercial Travelers of America, favoring change in the date of our national elections; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. DYER: Petition of committee on railway mail pay, relative to pay of railway mail and House Document No. 105; to the Committee on the Post Office and Post Roads.

Also, petition of the American Mining Congress, favoring appropriation for Bureau of Mines; to the Committee on Appropriations.

Also, petition of H. McGee Alexander Lodge, No. 3, Ancient Free and Accepted Masons, of St. Louis, Mo., relative to appropriation for celebration of fiftieth anniversary of the freeing of the negro; to the Committee on Industrial Arts and Expositions.

By Mr. FORNES: Memorial of Newport News Chamber of Commerce, relative to shipbuilding industry in the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. GARDNER of Massachusetts: Petition of District Lodge No. 44, International Association of Machinists, Washing-

ton, D. C., relative to House bill 25305, against the stop watch for Government shops; to the Committee on Labor.

By Mr. GUERNSEY: Petition of citizens of the fourth congressional district of the State of Maine, favoring regulation of express rates, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. KINKEAD of New Jersey: Petition of citizens of Jersey City, N. J., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. LEVY: Memorial of Inventors' Guild at New York City, relative to change in patent laws; to the Committee on Patents.

Also, memorial of National Association of Talking Machine Jobbers, of Pittsburgh, Pa., against passage of the Oldfield bill relative to change in patent law; to the Committee on Patents.

Also, petition of International Association of Machinists, Washington, D. C., favoring passage of House bill 25305, relative to stop watch in Government shops; to the Committee on Labor.

Also, memorial of the National Guard Association of the State of New York, favoring passage of the militia pay bill; to the Committee on Military Affairs.

Also, memorial of First Battalion Field Artillery, Virginia Volunteers, of Richmond, Va., favoring passage of the militia pay bill; to the Committee on Military Affairs.

Also, memorial of St. Augustine Board of Trade of St. Augustine, Fla., favoring passage of bill providing for city park for St. Augustine; to the Committee on the Public Lands.

Also, petitions of New York Typographical Union, No. 6, and Allied Printing Trades Council of New York State, and Humphreys Homeopathic Medicine Co. of New York, against passage of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. MCGILLICUDDY: Memorial of Friends of New England, at Vassalboro, Me., favoring passage of the Kenyon-Shepard bill and advocating enforcement of prohibitory laws; to the Committee on the Judiciary.

By Mr. WILLIS: Petition of Grand Council of Ohio of the Order of United Commercial Travelers, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Grand Council of Ohio of the Order of United Commercial Travelers, favoring a change in the day for holding of national elections; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. WILSON of New York: Memorial of the Commercial Telegraphers Union of America, of Chicago, Ill., relative to right of telegraphers to strike; to the Committee on Interstate and Foreign Commerce.

## SENATE.

TUESDAY, August 13, 1912.

The Senate met at 10 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. GALLINGER took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

UNITED STATES MARINE HOSPITAL, NEW YORK (S. DOC. NO. 918).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting certain information relative to the situation in connection with the United States Marine Hospital at New York City, N. Y., and requesting that an appropriation of \$22,000 be made to extend the limit of cost for the completion of the building, etc., which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

## ENROLLED BILL SIGNED.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the enrolled bill (S. 2117) to change the name of the Public Health and Marine-Hospital Service to the Public Health Service, to increase the pay of officers of said service, and for other purposes, and it was thereupon signed by the President pro tempore.

## PROTECTION OF AMERICAN CITIZENS IN MEXICO.

Mr. SMITH of Arizona. I present resolution adopted at a mass meeting of citizens of Graham County, Ariz., which I ask may be printed in the RECORD and referred to the Committee on Foreign Relations.